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A B I L L

To amend sections 121.371, 3109.13, 3109.15, 3109.16, 1
3109.17, 3109.18, 3701.23, and 3701.501 and to 2
enact section 5.2226 of the Revised Code to revise 3
the law regarding required screening of newborn 4
children for genetic, endocrine, and metabolic 5
disorders, the Wellness Block Grant Program, and 6
the Children's Trust Fund and to designate 7
September as "Sickle Cell Anemia Awareness Month." 8

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

Section 1. That sections 121.371, 3109.13, 3109.15, 3109.16, 9
3109.17, 3109.18, 3701.23, and 3701.501 be amended and section 10
5.2226 of the Revised Code be enacted to read as follows: 11

Sec. 5.2226. The month of September is designated as "Sickle 12

Cell Anemia Awareness Month."

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Sec. 121.371. There is hereby created the wellness block grant program. The Ohio family and children first cabinet council shall oversee the program, and the ~~children's trust fund board, created by section 3109.15 of the Revised Code, department of job and family services~~ shall serve as the program's administrative agent. The ~~board and the~~ cabinet council shall establish guidelines for operating the wellness block grant program. A representative of the ~~family and children first cabinet council and the chairperson of the children's trust fund board~~ shall ~~resolve any disagreements concerning the duties of the council and the board under this section.~~

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~~The children's trust fund board may accept gifts, donations, grants, or other moneys for the wellness block grant program from any source. The board shall use the funds received to make block grants to county family and children first councils. The amount to be granted to each county council for the program shall be determined by ~~the board and the~~ cabinet council. ~~To cover administrative expenses, the board may use in each state fiscal year an amount not to exceed one per cent of the total amount available for the program in that year.~~~~

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County councils shall use the funds they receive ~~through wellness block grants~~ for the program to fund community-based programs of prevention services that address issues of broad social concern, as determined by the cabinet council ~~and the board~~, and to fund state-directed training, evaluation, and education programs pertaining to the issues being addressed. ~~Each county council shall submit to the board a program and fiscal plan that outlines its proposal for expenditure of its block grant and shall, after consulting with the board of county commissioners, designate a fiscal agent to receive the block grant.~~

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~~As requested by the board on behalf of the cabinet council,~~ 44
~~each county council shall submit program and fiscal accountings~~ 45
~~regarding the use of its block grant. The board and the cabinet~~ 46
council shall establish criteria for assessing a county council's 47
progress in achieving the goals of the wellness block grant 48
program. If a county council does not operate in accordance with 49
the program guidelines and criteria established by ~~the board and~~ 50
the cabinet council, ~~the board and~~ the cabinet council may revise 51
the allocation of funds that the county council receives. 52

~~The board shall prepare an annual report detailing the~~ 53
~~results of the program. The report shall be submitted to the~~ 54
governor, the president and minority leader of the senate, and the 55
speaker and minority leader of the house of representatives. 56

Sec. 3109.13. As used in sections 3109.13 to 3109.18 of the 57
Revised Code, ~~child:~~ 58

~~(A) "Child abuse and child neglect prevention programs" means~~ 59
programs designed to prevent child abuse and child neglect, 60
~~including, but not limited to, any of the following:~~ 61

~~(A) Public awareness programs that pertain to child abuse or~~ 62
child neglect; 63

~~(B) Community-based, family-focused support services and~~ 64
activities that do any of the following: 65

~~(1) Build parenting skills;~~ 66

~~(2) Promote parental behaviors that lead to healthy and~~ 67
positive personal development of parents and children; 68

~~(3) Promote individual, family, and community strengths;~~ 69

~~(4) Provide information, education, or health activities that~~ 70
promote the well-being of families and children. 71

~~(C) Programs that train and place volunteers in programs that~~ 72

~~pertain to child abuse or child neglect that use primary and
secondary prevention strategies that are conducted at the local
level and activities and projects of statewide significance
designed to strengthen families and prevent child abuse and child
neglect.~~

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(B) "Primary prevention strategies" are activities and
services provided to the public designed to prevent or reduce the
prevalence of child abuse and child neglect before signs of abuse
or neglect can be observed.

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(C) "Secondary prevention strategies" are activities and
services that are provided to a specific population identified as
having risk factors for child abuse and child neglect and are
designed to intervene at the earliest warning signs of child abuse
or child neglect, or whenever a child can be identified as being
at risk of abuse or neglect.

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Sec. 3109.15. There is hereby created within the department
of job and family services the children's trust fund board
consisting of fifteen members. The directors of alcohol and drug
addiction services, health, and job and family services shall be
members of the board. Eight public members shall be appointed by
the governor. These members shall be persons with demonstrated
knowledge in programs for children, shall be representative of the
demographic composition of this state, and, to the extent
practicable, shall be representative of the following categories:
the educational community; the legal community; the social work
community; the medical community; the voluntary sector; and
professional providers of child abuse and child neglect services.
Five of these members shall be residents of ~~counties~~ metropolitan
statistical areas as defined by the United States office of
management and budget where the population exceeds four hundred
thousand; ~~no more than one~~ two such ~~member~~ members shall be a

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~~resident residents~~ of the same ~~county metropolitan statistical~~ area. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. Public members shall serve terms of three years. Each member shall serve until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. No public member may serve more than two consecutive full terms, ~~regardless of whether such terms were full or partial terms~~. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

Any member of the board may be removed by the member's appointing authority for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in the member's own behalf. Pursuant to section 3.17 of the Revised Code, a member, except a member of the general assembly or a judge of any court in the state, who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

~~The speaker of the house of representatives and the president~~ 136
~~of the senate shall jointly appoint the board chairperson from~~ 137
~~among the legislative members of the board. At the beginning of~~ 138
~~the first year of each even-numbered general assembly, the~~ 139
~~chairperson of the board shall be appointed by the speaker of the~~ 140
~~house of representatives from among members of the board who are~~ 141
~~members of the house of representatives. At the beginning of the~~ 142
~~first year of each odd-numbered general assembly, the chairperson~~ 143
~~of the board shall be appointed by the president of the senate~~ 144
~~from among the members of the board who are senate members.~~ 145

The board shall biennially select a vice-chair from among its 146
nonlegislative members. 147

Sec. 3109.16. The children's trust fund board, upon the 148
recommendation of the director of job and family services, shall 149
approve the employment of ~~the staff that~~ an executive director who 150
will administer the programs of the board. The department of job 151
and family services shall provide budgetary, procurement, 152
accounting, and other related management functions for the board. 153
An amount not to exceed three per cent of the total amount of fees 154
deposited in the children's trust fund in each fiscal year may be 155
used for costs directly related to these administrative functions 156
of the department. Each fiscal year, the board shall approve a 157
budget for administrative expenditures for the next fiscal year. 158

The board shall meet at least quarterly at the call of the 159
chairperson to conduct its official business. All business 160
transactions of the board shall be conducted in public meetings. 161
Eight members of the board constitute a quorum. A majority of the 162
quorum board members is required to ~~approve~~ adopt the state plan 163
for the allocation of funds from the children's trust fund. A 164
majority of the quorum is required to make all other decisions of 165
the board. 166

The board may apply for and accept federal and other funds 167
for the purpose of funding child abuse and child neglect 168
prevention programs. In addition, the board may accept gifts and 169
donations from any source, including individuals, philanthropic 170
foundations or organizations, corporations, or corporation 171
endowments. The acceptance and use of federal funds shall not 172
entail any commitment or pledge of state funds, nor obligate the 173
general assembly to continue the programs or activities for which 174
the federal funds are made available. All funds received in the 175
manner described in this section shall be transmitted to the 176
treasurer of state, who shall credit them to the children's trust 177
fund created in section 3109.14 of the Revised Code. 178

Sec. 3109.17. (A) For each fiscal biennium, the children's 179
trust fund board shall establish a biennial state plan for 180
comprehensive child abuse and child neglect prevention. The plan 181
shall be transmitted to the governor, the president and minority 182
leader of the senate, and the speaker and minority leader of the 183
house of representatives and shall be made available to the 184
general public. The board shall include in the state plan the 185
definition of "effective public notice" specified in rules adopted 186
by the department of job and family services. 187

(B) In developing and carrying out the state plan, the 188
children's trust fund board shall, in accordance with Chapter 119. 189
of the Revised Code, do all of the following: 190

(1) Ensure that an opportunity exists for assistance through 191
child abuse and child neglect prevention programs to persons 192
throughout the state of various social and economic backgrounds; 193

(2) Before the thirtieth day of October of each year, notify 194
each child abuse and child neglect prevention advisory board of 195
the amount estimated to be ~~block-granted~~ allocated to that 196
advisory board for the following fiscal year. 197

(3) Develop criteria for county or district comprehensive allocation plans, including criteria for determining the plans' effectiveness; 198
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(4) Review county or district comprehensive allocation plans; 201
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(5) ~~Make a block grant~~ Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. ~~The block grants~~ Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multicounty district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multicounty district, the advisory board shall receive, subject to available funds, a minimum of ten thousand dollars per fiscal year for each county in the district. ~~Block grants~~ Funds shall be disbursed to the advisory boards twice annually. At least fifty per cent of the ~~amount of the block grant funds~~ allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the ~~block grant funds~~ allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March. 203
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If the children's trust fund board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established in division (B)(3) of this section, it may revise the allocation of funds that the advisory board receives. 223
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The board shall specify the criteria child abuse and child 229

neglect prevention advisory boards are to use in reviewing 230
applications under division (F)(3) of section 3109.18 of the 231
Revised Code. 232

(6) Allocate funds to entities other than child abuse and 233
child neglect prevention advisory boards for the purpose of 234
funding child abuse and child neglect prevention programs approved 235
in the state plan; 236

(7) Provide for the monitoring of expenditures from the 237
children's trust fund and of programs that receive money from the 238
children's trust fund; 239

~~(7)~~(8) Establish reporting requirements for advisory boards; 240

~~(8)~~(9) Collaborate with appropriate persons and government 241
entities and facilitate the exchange of information among those 242
persons and entities for the purpose of child abuse and child 243
neglect prevention; 244

~~(9)~~(10) Provide for the education of the public and 245
professionals for the purpose of child abuse and child neglect 246
prevention-; 247

(11) Create and provide to each advisory board a children's 248
trust fund grant application form; 249

(12) Specify the information to be included in an annual 250
report completed by a recipient of a children's trust fund grant 251
under division (K)(1) of section 3109.18 of the Revised Code. 252

(C) The children's trust fund board shall prepare a report 253
for each fiscal biennium that ~~evaluates~~ delineates the expenditure 254
of money from the children's trust fund. On or before January 1, 255
2002, and on or before the first day of January of a year that 256
follows the end of a fiscal biennium of this state, the board 257
shall file a copy of the report with the governor, the president 258
and minority leader of the senate, and the speaker and minority 259

leader of the house of representatives. 260

~~(D) In addition to the duties described in this section and 261
in section 3109.16 of the Revised Code, the children's trust fund 262
board shall perform the duties described in section 121.371 of the 263
Revised Code with regard to the wellness block grant program. 264~~

Sec. 3109.18. (A)(1) A board of county commissioners may 265
establish a child abuse and child neglect prevention advisory 266
board or may designate the county family and children first 267
council to serve as the child abuse and child neglect prevention 268
advisory board. The boards of county commissioners of two or more 269
contiguous counties may instead form a multicounty district to be 270
served by a child abuse and child neglect prevention advisory 271
board or may designate a regional family and children first 272
council to serve as the district child abuse and child neglect 273
prevention advisory board. Each advisory board shall meet at least 274
twice a year. 275

(2) The county auditor is hereby designated as the auditor 276
and fiscal officer of the advisory board. In the case of a 277
multicounty district, the boards of county commissioners that 278
formed the district shall designate the auditor of one of the 279
counties as the auditor and fiscal officer of the advisory board. 280

(B) Each county that establishes an advisory board or, in a 281
multicounty district, the county the auditor of which has been 282
designated as the auditor and fiscal ~~agent~~ officer of the advisory 283
board, shall establish a fund in the county treasury known as the 284
county or district children's trust fund. The advisory board shall 285
deposit all funds received from the children's trust fund board 286
into that fund, and the auditor shall distribute money from the 287
fund at the request of the advisory board. 288

(C) Each January, the board of county commissioners of a 289
county that has established an advisory board or, in a multicounty 290

district, the board of county commissioners of the county the 291
auditor of which has been designated as the auditor and fiscal 292
~~agent~~ officer for the advisory board, shall appropriate the amount 293
described in division (B)(2) of section 3109.17 of the Revised 294
Code for distribution by the advisory board to child abuse and 295
child neglect prevention programs. 296

(D)(1) Except in the case of a county or regional family and 297
children first council that is designated to serve as a child 298
abuse and child neglect prevention advisory board, each advisory 299
board shall consist of an odd number of members from both the 300
public and private sectors, including all of the following: 301

(a) A representative of an agency responsible for the 302
administration of children's services in the county or district; 303

(b) A provider of alcohol or drug addiction services or a 304
representative of a board of alcohol, drug addiction, and mental 305
health services that serves the county or district; 306

(c) A provider of mental health services or a representative 307
of a board of alcohol, drug addiction, and mental health services 308
that serves the county or district; 309

(d) A representative of a board of mental retardation and 310
developmental disabilities that serves the county or district; 311

(e) A representative of the educational community appointed 312
by the superintendent of the school district with largest 313
enrollment in the county or multicounty district. 314

(2) The following groups and entities may be represented on 315
the advisory board: 316

(a) Parent groups; 317

(b) Juvenile justice officials; 318

(c) Pediatricians, health department nurses, and other 319
representatives of the medical community; 320

(d) School personnel;	321
(e) Counselors <u>and social workers</u> ;	322
(f) Head start agencies;	323
(g) Child day-care providers;	324
(h) Other persons with demonstrated knowledge in programs for children.	325 326
(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.	327 328 329 330 331 332 333
(E) Each board of county commissioners may incur reasonable costs not to exceed five per cent of the block grant <u>funds</u> allocated to the county or district under section 3109.17 of the Revised Code, for the purpose of carrying out the functions of the advisory board.	334 335 336 337 338
(F) Each child abuse and child neglect prevention advisory board shall do all of the following:	339 340
(1) Develop a comprehensive allocation plan for the purpose of preventing child abuse and child neglect and submit the plan to the children's trust fund board;	341 342 343
(2) Notify <u>Provide effective public notice, as defined in rules adopted by the department of job and family services, to potential applicants about the availability of funds from the children's trust fund, including an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for</u>	344 345 346 347 348 349 350

<u>submitting grant applications;</u>	351
(3) Review all applications received using any criteria	352
developed by the child abuse and child neglect prevention advisory	353
board specified in the state plan adopted by the board under	354
<u>section 3109.17 of the Revised Code;</u>	355
(4) Consistent with the plan developed pursuant to division	356
(F)(1) of this section, make grants to child abuse and child	357
neglect prevention programs. In making grants to child abuse and	358
child neglect prevention programs, the advisory board may consider	359
factors such as need, geographic location, diversity, coordination	360
with or improvement of existing services, maintenance of local	361
funding efforts, and extensive use of volunteers.	362
(5) Establish reporting requirements for grant recipients.	363
(G) <u>A member of a child abuse and child neglect prevention</u>	364
<u>advisory board shall not participate in the development of a</u>	365
<u>comprehensive allocation plan under division (F)(1) of this</u>	366
<u>section if it is reasonable to expect that the member's judgment</u>	367
<u>could be affected by the member's own financial, business,</u>	368
<u>property, or personal interest or other conflict of interest. For</u>	369
<u>purposes of this division, "conflict of interest" means the taking</u>	370
<u>of any action that violates any applicable provision of Chapter</u>	371
<u>102. or 2921. of the Revised Code. Questions relating to the</u>	372
<u>existence of a conflict of interest pertaining to Chapter 2921. of</u>	373
<u>the Revised Code shall be submitted by the advisory board to the</u>	374
<u>local prosecuting attorney for resolution. Questions relating to</u>	375
<u>the existence of a conflict of interest pertaining to Chapter 102.</u>	376
<u>of the Revised Code shall be submitted by the advisory board to</u>	377
<u>the Ohio ethics commission for resolution.</u>	378
(H) Each advisory board shall assist the children's trust	379
fund board in monitoring programs that receive money from the	380
children's trust fund and shall perform such other duties for the	381
local administration of the children's trust fund as the	382

children's trust fund board requires. 383

~~(H)~~(I) A recipient of a grant from the children's trust fund 384
shall use the grant funds only to fund primary and secondary child 385
abuse and child neglect prevention programs. Any grant funds that 386
are not spent by the recipient of the funds within the time 387
specified by the terms of the grant shall be returned to the 388
county treasurer. Any grant funds returned that are not 389
redistributed by the advisory board within the ~~time specified by~~ 390
~~the terms of the original grant~~ state fiscal year in which they 391
are received shall be returned to the treasurer of state. The 392
treasurer of state shall deposit such unspent moneys into the 393
children's trust fund to be spent for purposes consistent with the 394
state plan adopted under section 3109.17 of the Revised Code. 395

~~(I)~~(J) Applications for grants from the children's trust fund 396
shall be made to the advisory board on forms prescribed by the 397
~~department of job and family services~~ children's trust fund board. 398
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~~(J)~~(K)(1) Each recipient of a children's trust fund grant 400
from an advisory board shall file with the advisory board a copy 401
of an annual report that includes the information required by the 402
~~advisory~~ children's trust fund board. 403

(2) Each advisory board shall file with the children's trust 404
fund board a copy of an annual report regarding the county or 405
district comprehensive allocation plan that contains the 406
information required by the children's trust fund board. 407

Sec. 3701.23. (A) The director of health shall have charge of 408
the laboratory authorized by section 3701.22 of the Revised Code. 409
The director may employ an assistant for the laboratory who shall 410
be a person skilled in chemistry and bacteriology, and receive 411
such compensation as the director may allow. All expenses of such 412
laboratory shall be paid from appropriations made for the 413

department of health. 414

(B)(1) The public health council, in accordance with Chapter 415
119. of the Revised Code, shall adopt, and may amend or rescind, 416
rules establishing reasonable fees to be charged for services that 417
the laboratory performs. The council need not prescribe fees to be 418
charged in any case where the council believes that the charging 419
of fees would significantly and adversely affect the public 420
health. ~~Except as provided in division (B)(2) of this section, all~~ 421
All fees collected for services that the laboratory performs shall 422
be deposited into the state treasury to the credit of the 423
"laboratory handling fee fund," which is hereby created for the 424
purpose of defraying expenses of operating the laboratory. 425

~~(2) The council, in accordance with division (B)(1) of this 426
section, shall adopt a rule establishing a fee of not less than 427
fourteen dollars for tests of newborn children conducted under 428
section 3701.501 of the Revised Code. Of each such fee collected 429
on or after the rule's effective date, not less than ten dollars 430
and twenty-five cents shall be deposited into the state treasury 431
to the credit of the genetics services fund, which is hereby 432
created, and not less than three dollars and seventy-five cents 433
shall be deposited into the state treasury to the credit of the 434
sickle cell fund, which is hereby created. Not less than three 435
dollars from each fee credited to the genetics services fund shall 436
be used to defray costs of phenylketonuria programs. Not less than 437
seven dollars and twenty-five cents of each fee credited to the 438
genetics services fund shall be used to defray the costs of the 439
programs authorized by section 3701.502 of the Revised Code. Money 440
credited to the sickle cell fund shall be used to defray costs of 441
programs authorized by section 3701.131 of the Revised Code. 442~~

~~Sec. 3701.501. (A) The public health council shall adopt 444
rules in accordance with Chapter 119. of the Revised Code for 445~~

~~testing of (1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of phenylketonuria, homocystinuria, galactosemia, and hypothyroidism. The person designated in the rules shall cause a child to be tested in accordance with the rules. The rules may require tests for other the genetic, endocrine, or and metabolic disorders if the following conditions are met:~~

~~(1) A determination is made by the public health council that the disorders cause disability if undiagnosed and untreated and are treatable.~~

~~(2) No additional blood samples or specimens are required to conduct the test.~~

~~All tests required by this section or by rules adopted by the public health council pursuant to this section shall be performed by the laboratory authorized by section 3701.22 of the Revised Code except that if the rules adopted by the public health council under this section provide that retesting of children with abnormal test results may be performed by laboratories other than that laboratory, retests may be performed by any laboratory approved by the director of health for that purpose.~~

~~Rules adopted by the public health council under this section shall prescribe a method for giving notice of the proposed tests and the results of the tests to the parents of the child. The rules shall also prescribe a method for giving notice of the proposed tests and the results of the tests to either the person who caused the child to be tested, employees designated by the rules of the hospital of birth, or the health commissioner for the health district where the birth occurred, whichever is appropriate as determined by the rules.~~

~~The rules also shall prescribe laboratory methods and other procedures for the detection of such genetic, endocrine, and metabolic disorders in newborn children, including procedures for~~

~~retesting and referral of children with abnormal test results. 478
With regard to tests for the presence of phenylketonuria, the 479
laboratory methods and other procedures prescribed in the rules 480
shall include any test that the council determines is effective 481
for use in detecting the disorder in children who are less than 482
forty-eight hours old. 483~~

~~(B) specified in rules, adopted pursuant to this section. 484~~

~~(2) Division (A)(1) of this section does not apply if the 485
parents of the child object thereto on the grounds that ~~such test~~ 486
the screening conflicts with their religious tenets and practices. 487~~

~~(B) There is hereby created the newborn screening advisory 488
council to advise the director of health regarding the screening 489
of newborn children for genetic, endocrine, and metabolic 490
disorders. The council shall engage in an ongoing review of the 491
newborn screening requirements established under this section and 492
shall provide recommendations and reports to the director as the 493
director requests and as the council considers necessary. The 494
director may assign other duties to the council, as the director 495
considers appropriate. 496~~

~~The council shall consist of fourteen members appointed by 497
the director. In making appointments, the director shall select 498
individuals and representatives of entities with interest and 499
expertise in newborn screening, including such individuals and 500
entities as health care professionals, hospitals, children's 501
hospitals, regional genetic centers, regional sickle cell centers, 502
newborn screening coordinators, and members of the public. 503~~

~~The department of health shall provide meeting space, staff 504
services, and other technical assistance required by the council 505
in carrying out its duties. Members of the council shall serve 506
without compensation, but shall be reimbursed for their actual and 507
necessary expenses incurred in attending meetings of the council 508~~

or performing assignments for the council.

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The council is not subject to sections 101.82 to 101.87 of
the Revised Code.

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(C)(1) The director of health shall adopt rules in accordance
with Chapter 119. of the Revised Code specifying the disorders for
which each newborn child must be screened.

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(2) The newborn screening advisory council shall evaluate
genetic, metabolic, and endocrine disorders to assist the director
in determining which disorders should be included in the
screenings required under this section. In determining whether a
disorder should be included, the council shall consider all of the
following:

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(a) The disorder's incidence, mortality, and morbidity;

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(b) Whether the disorder causes disability if diagnosis,
treatment, and early intervention are delayed;

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(c) The potential for successful treatment of the disorder;

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(d) The expected benefits to children and society in relation
to the risks and costs associated with screening for the disorder;

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(e) Whether a screening for the disorder can be conducted
without taking an additional blood sample or specimen.

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(3) Based on the considerations specified in division (C)(2)
of this section, the council shall make recommendations to the
director of health for the adoption of rules under division (C)(1)
of this section. The director shall promptly and thoroughly review
each recommendation the council submits.

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(D) The director shall adopt rules in accordance with Chapter
119. of the Revised Code establishing standards and procedures for
the screenings required by this section. The rules shall include
standards and procedures for all of the following:

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(1) Causing rescreenings to be performed when initial 539
screenings have abnormal results; 540

(2) Designating the person or persons who will be responsible 541
for causing screenings and rescreenings to be performed; 542
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(3) Giving to the parents of a child notice of the required 544
initial screening and the possibility that rescreenings may be 545
necessary; 546

(4) Communicating to the parents of a child the results of 547
the child's screening and any rescreenings that are performed; 548

(5) Giving notice of the results of an initial screening and 549
any rescreenings to the person who caused the child to be screened 550
or rescreened, or to another person or government entity when the 551
person who caused the child to be screened or rescreened cannot be 552
contacted; 553

(6) Referring children who receive abnormal screening or 554
rescreening results to providers of follow-up services, including 555
the services made available through funds disbursed under division 556
(F) of this section. 557

(E)(1) Except as provided in divisions (E)(2) and (3) of this 558
section, all newborn screenings required by this section shall be 559
performed by the laboratory authorized under section 3701.22 of 560
the Revised Code. 561

(2) If the director determines that the laboratory authorized 562
under section 3701.22 of the Revised Code is unable to perform 563
screenings for all of the disorders specified in the rules adopted 564
under division (C) of this section, the director shall select 565
another laboratory to perform the screenings. The director shall 566
select the laboratory by issuing a request for proposals. The 567
director may accept proposals submitted by laboratories located 568
outside this state. At the conclusion of the selection process, 569

the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and contracted with in the same manner.

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(3) Any rescreening caused to be performed pursuant to this section may be performed by the laboratory authorized by section 3701.22 of the Revised Code or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

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(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

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(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

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(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle

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cell fund shall be used to defray costs of programs authorized by
section 3701.131 of the Revised Code.

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(2) In adopting rules under division (F)(1) of this section,
the director shall not establish a fee that differs according to
whether a screening is performed by the laboratory authorized
under section 3701.22 of the Revised Code or by another laboratory
selected by the director pursuant to division (E)(2) of this
section.

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Section 2. That existing sections 121.371, 3109.13, 3109.15,
3109.16, 3109.17, 3109.18, 3701.23, and 3701.501 of the Revised
Code are hereby repealed.

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