

As Reported by the House Health and Family Services Committee

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Sub. S. B. No. 121

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A BILL

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." 13

Sec. 121.371. There is hereby created the wellness block 14
grant program. The Ohio family and children first cabinet council 15
shall oversee the program, and the ~~children's trust fund board,~~ 16

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~~created by section 3109.15 of the Revised Code, department of job 17
and family services shall serve as the program's administrative 18
agent. The board and the cabinet council shall establish 19
guidelines for operating the wellness block grant program. A 20
representative of the family and children first cabinet council 21
and the chairperson of the children's trust fund board shall 22
resolve any disagreements concerning the duties of the council and 23
the board under this section. 24~~

~~The children's trust fund board may accept gifts, donations, 25
grants, or other moneys for the wellness block grant program from 26
any source. The board shall use the funds received to make block 27
grants to county family and children first councils. The amount to 28
be granted to each county council for the program shall be 29
determined by the board and the cabinet council. To cover 30
administrative expenses, the board may use in each state fiscal 31
year an amount not to exceed one per cent of the total amount 32
available for the program in that year. 33~~

~~County councils shall use the funds they receive through 34
wellness block grants for the program to fund community-based 35
programs of prevention services that address issues of broad 36
social concern, as determined by the cabinet council and the 37
board, and to fund state-directed training, evaluation, and 38
education programs pertaining to the issues being addressed. Each 39
county council shall submit to the board a program and fiscal plan 40
that outlines its proposal for expenditure of its block grant and 41
shall, after consulting with the board of county commissioners, 42
designate a fiscal agent to receive the block grant. 43~~

~~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 73
secondary prevention strategies that are conducted at the local 74
level and activities and projects of statewide significance 75
designed to strengthen families and prevent child abuse and child 76
neglect. 77~~

(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.

(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.

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 ~~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

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two different political parties. All members of the board 110
 appointed by the speaker of the house of representatives or the 111
 president of the senate shall serve until the expiration of the 112
 sessions of the general assembly during which they were appointed. 113
 They may be reappointed to an unlimited number of successive terms 114
 of two years at the pleasure of the speaker of the house of 115
 representatives or president of the senate. Public members shall 116
 serve terms of three years. Each member shall serve until the 117
 member's successor is appointed, or until a period of sixty days 118
has elapsed, whichever occurs first. No public member may serve 119
 more than two consecutive full terms, ~~regardless of whether such~~ 120
~~terms were full or partial terms~~. All vacancies on the board shall 121
 be filled for the balance of the unexpired term in the same manner 122
 as the original appointment. 123

Any member of the board may be removed by the member's 124
 appointing authority for misconduct, incompetency, or neglect of 125
 duty after first being given the opportunity to be heard in the 126
 member's own behalf. Pursuant to section 3.17 of the Revised Code, 127
 a member, except a member of the general assembly or a judge of 128
 any court in the state, who fails to attend at least three-fifths 129
 of the regular and special meetings held by the board during any 130
 two-year period forfeits the member's position on the board. 131

Each member of the board shall serve without compensation but 133
 shall be reimbursed for all actual and necessary expenses incurred 134
 in the performance of official duties. 135

~~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

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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
general assembly to continue the programs or activities for which
the federal funds are made available. All funds received in the
manner described in this section shall be transmitted to the
treasurer of state, who shall credit them to the children's trust
fund created in section 3109.14 of the Revised Code.

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

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

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

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

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(3) Develop criteria for county or district comprehensive
allocation plans, including criteria for determining the plans'
effectiveness;

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(4) Review county or district comprehensive allocation plans;

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(5) ~~Make a block grant~~ Allocate funds to each child abuse and 203
child neglect prevention advisory board for the purpose of funding 204
child abuse and child neglect prevention programs. ~~The block~~ 205
~~grants~~ Funds shall be allocated among advisory boards according to 206
a formula based on the ratio of the number of children under age 207
eighteen in the county or multicounty district to the number of 208
children under age eighteen in the state, as shown in the most 209
recent federal decennial census of population. Subject to the 210
availability of funds, each advisory board shall receive a minimum 211
of ten thousand dollars per fiscal year. In the case of an 212
advisory board that serves a multicounty district, the advisory 213
board shall receive, subject to available funds, a minimum of ten 214
thousand dollars per fiscal year for each county in the district. 215
~~Block grants~~ Funds shall be disbursed to the advisory boards twice 216
annually. At least fifty per cent of the ~~amount of the block grant~~ 217
~~funds~~ allocated to an advisory board for a fiscal year shall be 218
disbursed to the advisory board not later than the thirtieth day 219
of September. The remainder of the ~~block grant~~ funds allocated to 220
the advisory board for that fiscal year shall be disbursed before 221
the thirty-first day of March. 222

If the children's trust fund board determines, based on 223
county or district performance or on the annual report submitted 224
by an advisory board, that the advisory board is not operating in 225
accordance with the criteria established in division (B)(3) of 226
this section, it may revise the allocation of funds that the 227
advisory board receives. 228

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

<u>funding child abuse and child neglect prevention programs approved</u>	235
<u>in the state plan;</u>	236
<u>(7)</u> 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) <u>(8)</u> Establish reporting requirements for advisory boards;	240
(8) <u>(9)</u> 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) <u>(10)</u> Provide for the education of the public and	245
professionals for the purpose of child abuse and child neglect	246
prevention-;	247
<u>(11) Create and provide to each advisory board a children's</u>	248
<u>trust fund grant application form;</u>	249
<u>(12) Specify the information to be included in an annual</u>	250
<u>report completed by a recipient of a children's trust fund grant</u>	251
<u>under division (K)(1) of section 3109.18 of the Revised Code.</u>	252
(C) The children's trust fund board shall prepare a report	253
for each fiscal biennium that evaluates <u>delineates</u> 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 children first council that is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board shall consist of an odd number of members from both the public and private sectors, including all of the following:	297 298 299 300 301
(a) A representative of an agency responsible for the administration of children's services in the county or district;	302 303
(b) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	304 305 306
(c) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;	307 308 309
(d) A representative of a board of mental retardation and developmental disabilities that serves the county or district;	310 311
(e) A representative of the educational community appointed by the superintendent of the school district with largest enrollment in the county or multicounty district.	312 313 314
(2) The following groups and entities may be represented on the advisory board:	315 316
(a) Parent groups;	317
(b) Juvenile justice officials;	318
(c) Pediatricians, health department nurses, and other representatives of the medical community;	319 320
(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
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(3) Of the members first appointed, at least one shall serve 327
for a term of three years, at least one for a term of two years, 328
and at least one for a term of one year. Thereafter, each member 329
shall serve a term of three years. Each member shall serve until 330
the member's successor is appointed. All vacancies on the board 331
shall be filled for the balance of the unexpired term in the same 332
manner as the original appointment. 333

(E) Each board of county commissioners may incur reasonable 334
costs not to exceed five per cent of the ~~block grant funds~~ 335
allocated to the county or district under section 3109.17 of the 336
Revised Code, for the purpose of carrying out the functions of the 337
advisory board. 338

(F) Each child abuse and child neglect prevention advisory 339
board shall do all of the following: 340

(1) Develop a comprehensive allocation plan for the purpose 341
of preventing child abuse and child neglect and submit the plan to 342
the children's trust fund board; 343

(2) ~~Notify~~ Provide effective public notice, as defined in 344
rules adopted by the department of job and family services, to 345
potential applicants about the availability of funds from the 346
children's trust fund, including an estimate of the amount of 347
money available for grants within each county or district, the 348
date of at least one public hearing, information on obtaining a 349
copy of the grant application form, and the deadline for 350
submitting grant applications; 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
section 3109.17 of the Revised Code; 355

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(4) Consistent with the plan developed pursuant to division (F)(1) of this section, make grants to child abuse and child neglect prevention programs. In making grants to child abuse and child neglect prevention programs, the advisory board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers.

(5) Establish reporting requirements for grant recipients.

(G) A member of a child abuse and child neglect prevention advisory board shall not participate in the development of a comprehensive allocation plan under division (F)(1) of this section if it is reasonable to expect that the member's judgment could be affected by the member's own financial, business, property, or personal interest or other conflict of interest. For purposes of this division, "conflict of interest" means the taking of any action that violates any applicable provision of Chapter 102. or 2921. of the Revised Code. Questions relating to the existence of a conflict of interest pertaining to Chapter 2921. of the Revised Code shall be submitted by the advisory board to the local prosecuting attorney for resolution. Questions relating to the existence of a conflict of interest pertaining to Chapter 102. of the Revised Code shall be submitted by the advisory board to the Ohio ethics commission for resolution.

(H) Each advisory board shall assist the children's trust fund board in monitoring programs that receive money from the children's trust fund and shall perform such other duties for the local administration of the children's trust fund as the children's trust fund board requires.

~~(H)~~(I) A recipient of a grant from the children's trust fund shall use the grant funds only to fund primary and secondary child abuse and child neglect prevention programs. Any grant funds that are not spent by the recipient of the funds within the time

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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

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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~~

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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 446
section, all newborn children shall be screened for the presence 447
of phenylketonuria, homocystinuria, galactosemia, and 448
hypothyroidism. The person designated in the rules shall cause a 449
child to be tested in accordance with the rules. The rules may 450~~

~~require tests for other the genetic, endocrine, or and metabolic disorders if the following conditions are met:~~ 451
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~~(1) A determination is made by the public health council that the disorders cause disability if undiagnosed and untreated and are treatable.~~ 453
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~~(2) No additional blood samples or specimens are required to conduct the test.~~ 456
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~~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.~~ 458
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~~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.~~ 466
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~~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. With regard to tests for the presence of phenylketonuria, the laboratory methods and other procedures prescribed in the rules shall include any test that the council determines is effective for use in detecting the disorder in children who are less than~~ 475
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~~forty-eight hours old.~~

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

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

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

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

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

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which each newborn child must be screened. 514

(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: 515
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(a) The disorder's incidence, mortality, and morbidity; 521

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed; 522
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(c) The potential for successful treatment of the disorder; 524

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder; 525
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(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen. 528
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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. 530
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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: 535
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(1) Causing rescreenings to be performed when initial screenings have abnormal results; 539
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(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed; 541
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(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary; 544
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(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed; 547
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(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted; 549
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(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section. 554
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(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the laboratory authorized under section 3701.22 of the Revised Code. 558
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(2) If the director determines that the laboratory authorized under section 3701.22 of the Revised Code is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, 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. 562
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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 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

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under section 3701.22 of the Revised Code or by another laboratory 607
selected by the director pursuant to division (E)(2) of this 608
section. 609

Section 2. That existing sections 121.371, 3109.13, 3109.15, 610
3109.16, 3109.17, 3109.18, 3701.23, and 3701.501 of the Revised 611
Code are hereby repealed. 612