

section 4519.59 of the Revised Code. The clerk shall retain the 49710
entire amount of each late filing fee. 49711

Except in the case of an off-highway motorcycle or 49712
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49713
shall refuse to accept an application for certificate of title 49714
unless the applicant either tenders with the application payment 49715
of all taxes levied by or pursuant to Chapter 5739. or 5741. of 49716
the Revised Code based on the purchaser's county of residence, or 49717
submits either of the following: 49718

(A) A receipt issued by the tax commissioner or a clerk of 49719
courts showing payment of the tax; 49720

(B) An exemption certificate, in any form prescribed by the 49721
tax commissioner, that specifies why the purchase is not subject 49722
to the tax imposed by Chapter 5739. or 5741. of the Revised Code. 49723

Payment of the tax shall be made in accordance with division 49724
(E) of section 4505.06 of the Revised Code and any rules issued by 49725
the tax commissioner. When a dealer submits payment of the tax to 49726
the clerk, the dealer shall retain any discount to which the 49727
dealer is entitled under section 5739.12 of the Revised Code. The 49728
clerk shall issue a receipt in the form prescribed by the tax 49729
commissioner to any applicant who tenders payment of the tax with 49730
the application for a certificate of title. If the application for 49731
a certificate of title is for an off-highway motorcycle or 49732
all-purpose vehicle purchased prior to July 1, 1999, the clerk 49733
shall accept the application without payment of the taxes levied 49734
by or pursuant to Chapter 5739. or 5741. of the Revised Code or 49735
presentation of either of the items listed in division (A) or (B) 49736
of this section. 49737

For receiving and disbursing such taxes paid to the clerk by 49738
a resident of the clerk's county, the clerk may retain a poundage 49739
fee of one and one-hundredth per cent of the taxes collected, 49740

which shall be paid into the certificate of title administration 49741
fund created by section 325.33 of the Revised Code. The clerk 49742
shall not retain a poundage fee from payments of taxes by persons 49743
who do not reside in the clerk's county. 49744

A clerk, however, may retain from the taxes paid to the clerk 49745
an amount equal to the poundage fees associated with certificates 49746
of title issued by other clerks of courts of common pleas to 49747
applicants who reside in the first clerk's county. The registrar, 49748
in consultation with the tax commissioner and the clerks of the 49749
courts of common pleas, shall develop a report from the automated 49750
title processing system that informs each clerk of the amount of 49751
the poundage fees that the clerk is permitted to retain from those 49752
taxes because of certificates of title issued by the clerks of 49753
other counties to applicants who reside in the first clerk's 49754
county. 49755

In the case of casual sales of off-highway motorcycles or 49756
all-purpose vehicles that are subject to the tax imposed by 49757
Chapter 5739. or 5741. of the Revised Code, the purchase price for 49758
the purpose of determining the tax shall be the purchase price on 49759
an affidavit executed and filed with the clerk by the seller on a 49760
form to be prescribed by the registrar, which shall be prima-facie 49761
evidence of the price for the determination of the tax. 49762

In addition to the information required by section 4519.57 of 49763
the Revised Code, each certificate of title shall contain in bold 49764
lettering the following notification and statements: "WARNING TO 49765
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 49766
law to state the true selling price. A false statement is in 49767
violation of section 2921.13 of the Revised Code and is punishable 49768
by six months imprisonment or a fine of up to one thousand 49769
dollars, or both. All transfers are audited by the department of 49770
taxation. The seller and buyer must provide any information 49771
requested by the department of taxation. The buyer may be assessed 49772

any additional tax found to be due." 49773

The clerk shall forward all payments of taxes, less poundage 49774
fees, to the treasurer of state in a manner to be prescribed by 49775
the tax commissioner and shall furnish information to the 49776
commissioner as the commissioner may require. 49777

Every clerk shall have the capability to transact by 49778
electronic means all procedures and transactions relating to the 49779
issuance of certificates of title for off-highway motorcycles and 49780
all-purpose vehicles that are described in the Revised Code as 49781
being accomplished by electronic means. 49782

Sec. 4561.18. Applications for the licensing and registration 49783
of aircraft shall be made and signed by the owner thereof upon 49784
forms prepared by the department of transportation and shall 49785
contain a description of the aircraft, including its federal 49786
registration number, and such other information as is required by 49787
the department. 49788

Applications shall be filed with the director of 49789
transportation during the month of January, annually and shall be 49790
renewed according to the standard renewal procedure of sections 49791
4745.01 to 4745.03 of the Revised Code. Application for 49792
registration of any aircraft not previously registered in this 49793
state, if such aircraft is acquired or becomes subject to such 49794
license tax subsequent to the last day of January in any year, 49795
shall be made for the balance of the year in which the same is 49796
acquired, within forty-eight hours after such acquisition or after 49797
becoming subject to such license tax. Each such application shall 49798
be accompanied by the proper license tax, which shall be at the 49799
~~following rates: For, for~~ aircraft other than gliders, listed by 49800
~~the manufacturer thereof as having a maximum seating capacity of~~ 49801
~~either one or two persons, six dollars annually; three persons,~~ 49802
~~eight dollars annually; four persons, twelve dollars annually;~~ 49803

~~five persons, fifteen dollars annually; over five persons, fifteen
dollars plus five dollars for each person in excess thereof,
annually; and shall be at the annual rate of one hundred dollars
per aircraft. The license tax for gliders, shall be three dollars
annually.~~ 49804
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Such taxes are in lieu of all other taxes on or with respect 49809
to ownership of such aircraft. 49810

Sec. 4561.21. (A) The director of transportation shall 49811
deposit all ~~license taxes and~~ transfer fees in the state treasury 49812
to the credit of the general fund. 49813

(B) The director shall deposit all license taxes in the state 49814
treasury to the credit of the county airport maintenance 49815
assistance fund, which is hereby created. Money in the fund shall 49816
be used to assist counties in maintaining the airports they own, 49817
and the director shall distribute the money to counties in 49818
accordance with such procedures, guidelines, and criteria as the 49819
director shall establish. 49820

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as 49821
auction companies under former section 4707.071 of the Revised 49822
Code shall comply with all provisions of this chapter that are 49823
applicable to auctioneers except as provided in divisions (B) and 49824
(C) of this section. Such persons, however, do not have to serve 49825
an apprenticeship or attend a course of study under section 49826
4707.09 of the Revised Code or submit to an examination under 49827
section 4707.08 of the Revised Code as long as they do not engage 49828
in the calling for, recognition of, and the acceptance of, offers 49829
for the purchase of personal property at auction and do not 49830
conduct auctions at any location other than the definite place of 49831
business required in section 4707.14 of the Revised Code. 49832

(B) The principal owner of each auction company ~~which~~ that is 49833

licensed as of May 1, 1991, who pays the annual renewal fee 49834
specified in division ~~(A)~~(B) of section 4707.10 of the Revised 49835
Code during the first renewal period following May 1, 1991, shall 49836
be issued a special auctioneer's license, for the sale of personal 49837
property subject to division (A) of this section. Each principal 49838
owner shall apply for an annual license. In applying for an annual 49839
license, each person licensed as an auction company on May 1, 49840
1991, shall designate an individual as principal owner by 49841
submitting documentation substantiating that the individual is in 49842
fact the principal owner and shall identify a definite place of 49843
business as required in section 4707.14 of the Revised Code. A 49844
person licensed as an auctioneer shall not be entitled to a 49845
special auctioneer's license. 49846

(C) A special auctioneer's license issued under this section 49847
to the principal owner of a former auction company does not 49848
entitle the principal owner or former auction company to conduct 49849
auctions at any location other than the definite place of business 49850
required in section 4707.14 of the Revised Code. Notwithstanding 49851
section 4707.10 of the Revised Code, the department of agriculture 49852
shall not issue a new special auctioneer's license if the definite 49853
place of business identified by the licensee in the licensee's 49854
initial application for a special auctioneer license has changed 49855
or if the name under which the licensee is doing business has 49856
changed. No person other than an owner, officer, member, or agent 49857
of the former auction company who personally has passed the 49858
examination prescribed in section 4707.08 of the Revised Code and 49859
been licensed as an auctioneer shall engage in the calling for, 49860
recognition of, and the acceptance of, offers for the purchase of 49861
real or personal property, goods, or chattels at auction in 49862
connection with a former auction company that has been issued a 49863
special auctioneer's license. 49864

(D) A person licensed as a special auctioneer shall not 49865

engage in the sale of real property at auction. 49866

Sec. 4707.072. (A) For purposes of this section, the 49867
department of agriculture shall adopt rules in accordance with 49868
section 4707.19 of the Revised Code prescribing the fee that a 49869
license applicant must pay. Until those rules are adopted, a 49870
license applicant shall pay the fee established in this section. 49871

(B) The department of agriculture may grant one-auction 49872
licenses to any nonresident person deemed qualified by the 49873
department. Any person who applies for a one-auction license shall 49874
attest, on forms provided by the department, and furnish to the 49875
department, satisfactory proof that the license applicant or any 49876
auctioneer affiliated with the applicant meets the following 49877
requirements: 49878

(A)(1) Has a good reputation; 49879

(B)(2) Is of trustworthy character; 49880

(C)(3) Has attained the age of at least eighteen years; 49881

(D)(4) Has a general knowledge of the requirements of the 49882
Revised Code relative to auctioneers, the auction profession, and 49883
the principles involved in conducting an auction; 49884

(E)(5) Has two years of professional auctioneering experience 49885
immediately preceding the date of application and the experience 49886
includes the personal conduct by the applicant of at least twelve 49887
auction sales in any state, or has met the requirements of section 49888
4707.12 of the Revised Code; 49889

(F)(6) Has paid a fee of one hundred dollars, ~~which shall be~~ 49890
~~credited to the auctioneers fund;~~ 49891

(G)(7) Has provided proof of financial responsibility ~~as~~ 49892
~~required under section 4707.11 of the Revised Code~~ in the form of 49893
either an irrevocable letter of credit or a cash bond or a surety 49894
bond in the amount of fifty thousand dollars. If the applicant 49895

gives a surety bond, the bond shall be executed by a surety 49896
company authorized to do business in this state. A bond shall be 49897
made to the department and shall be conditioned that the applicant 49898
shall comply with this chapter and rules adopted under it, 49899
including refraining from conduct described in section 4707.15 of 49900
the Revised Code. All bonds shall be on a form approved by the 49901
director of agriculture. 49902

Sec. 4707.10. (A) For purposes of this section, the 49903
department of agriculture shall adopt rules in accordance with 49904
section 4707.19 of the Revised Code prescribing fees that 49905
licensees must pay and license renewal deadlines and procedures 49906
with which licensees must comply. Until those rules are adopted, 49907
licensees shall pay the fees and comply with the license renewal 49908
deadlines and procedures established in this section. 49909

(B) The fee for each auctioneer's, apprentice auctioneer's, 49910
or special auctioneer's license issued by the department of 49911
~~agriculture~~ is one hundred dollars, and the annual renewal fee for 49912
any such license is one hundred dollars. All licenses expire 49913
annually on the last day of June of each year and shall be renewed 49914
according to the standard renewal procedures of Chapter 4745. of 49915
the Revised Code, or the procedures of this section. Any licensee 49916
under this chapter who wishes to renew the licensee's license, but 49917
fails to do so before the first day of July shall reapply for 49918
licensure in the same manner and pursuant to the same requirements 49919
as for initial licensure, unless before the first day of September 49920
of the year of expiration, the former licensee pays to the 49921
department, in addition to the regular renewal fee, a late renewal 49922
penalty of one hundred dollars. 49923

~~(B)~~(C) Any person who fails to renew the person's license 49924
before the first day of July is prohibited from engaging in any 49925
activity specified or comprehended in section 4707.01 of the 49926

Revised Code until such time as the person's license is renewed or 49927
a new license is issued. Renewal of a license between the first 49928
day of July and the first day of September does not relieve any 49929
person from complying with this division. The department may 49930
refuse to renew the license of or issue a new license to any 49931
person who violates this division. 49932

~~(C)~~(D) The department shall prepare and deliver to each 49933
licensee a permanent license certificate and an ~~annual renewal~~ 49934
identification card, the appropriate portion of which shall be 49935
carried on the person of the licensee at all times when engaged in 49936
any type of auction activity, and part of which shall be posted 49937
with the permanent certificate in a conspicuous location at the 49938
licensee's place of business. 49939

~~(D)~~(E) Notice in writing shall be given to the department by 49940
each auctioneer or apprentice auctioneer licensee of any change of 49941
principal business location or any change or addition to the name 49942
or names under which business is conducted, whereupon the 49943
department shall issue a new license for the unexpired period. Any 49944
change of business location or change or addition of names without 49945
notification to the department shall automatically cancel any 49946
license previously issued. For each new auctioneer or apprentice 49947
auctioneer license issued upon the occasion of a change in 49948
business location or a change in or an addition of names under 49949
which business is conducted, the department may collect a fee of 49950
ten dollars for each change in location, or name or each added 49951
name unless the notification of the change occurs concurrently 49952
with the renewal application. 49953

Sec. 4707.24. Except for the purposes of divisions (A) and 49954
(B) of section 4707.25 of the Revised Code, sections 4707.25 to 49955
4707.31 of the Revised Code do not apply with respect to a license 49956
issued under section 4707.072 of the Revised Code. 49957

- Sec. 4709.12. (A) The barber board shall charge and collect 49958
the following fees: 49959
- (1) For the application to take the barber examination, ~~sixty~~ 49960
ninety dollars; 49961
- (2) For an application to retake any part of the barber 49962
examination, ~~thirty~~ forty-five dollars; 49963
- (3) For the initial issuance of a license to practice as a 49964
barber, ~~twenty~~ thirty dollars; 49965
- (4) For the biennial renewal of the license to practice as a 49966
barber, ~~seventy-five~~ one hundred ten dollars; 49967
- (5) For the restoration of an expired barber license, one 49968
hundred dollars, and ~~fifty~~ seventy-five dollars for each lapsed 49969
year, provided that the total fee shall not exceed ~~four~~ six 49970
hundred ~~sixty~~ ninety dollars; 49971
- (6) For the issuance of a duplicate barber or shop license, 49972
~~thirty~~ forty-five dollars; 49973
- (7) For the inspection of a new barber shop, change of 49974
ownership, or reopening of premises or facilities formerly 49975
operated as a barber shop, and issuance of a shop license, 49976
~~seventy-five~~ one hundred ten dollars; 49977
- (8) For the biennial renewal of a barber shop license, ~~fifty~~ 49978
seventy-five dollars; 49979
- (9) For the restoration of a barber shop license, 49980
~~seventy-five~~ one hundred ten dollars; 49981
- (10) For each inspection of premises for location of a new 49982
barber school, or each inspection of premises for relocation of a 49983
currently licensed barber school, ~~five~~ seven hundred fifty 49984
dollars; 49985
- (11) For the initial barber school license, ~~five hundred~~ one 49986

<u>thousand</u> dollars, and five hundred <u>one thousand</u> dollars for the	49987
renewal of the license;	49988
(12) For the restoration of a barber school license, six	49989
hundred <u>one thousand</u> dollars;	49990
(13) For the issuance of a student registration, twenty-five	49991
<u>forty</u> dollars;	49992
(14) For the examination and issuance of a biennial teacher	49993
or assistant teacher license, one hundred twenty-five <u>eighty-five</u>	49994
dollars;	49995
(15) For the renewal of a biennial teacher or assistant	49996
teacher license, one hundred <u>fifty</u> dollars;	49997
(16) For the restoration of an expired teacher or assistant	49998
teacher license, one <u>two</u> hundred fifty <u>twenty-five</u> dollars, and	49999
forty <u>sixty</u> dollars for each lapsed year, provided that the total	50000
fee shall not exceed three <u>four</u> hundred <u>fifty</u> dollars;	50001
(17) For the issuance of a barber license by reciprocity	50002
pursuant to section 4709.08 of the Revised Code, two <u>three</u> hundred	50003
dollars;	50004
(18) For providing licensure information concerning an	50005
applicant, upon written request of the applicant, twenty-five	50006
<u>forty</u> dollars.	50007
(B) The board, subject to the approval of the controlling	50008
board, may establish fees in excess of the amounts provided in	50009
this section, provided that the fees do not exceed the amounts	50010
permitted by this section by more than fifty per cent.	50011
Sec. 4717.07. (A) The board of embalmers and funeral	50012
directors shall charge and collect the following fees:	50013
(1) For the <u>initial</u> issuance <u>or biennial renewal</u> of an	50014
initial embalmer's or funeral director's license, five <u>one hundred</u>	50015

<u>forty</u> dollars;	50016
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	50017 50018
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	50019 50020
(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	50021 50022 50023
(5) For the biennial renewal of an embalmer's or funeral director's license, one hundred twenty dollars;	50024 50025
(6) For the initial issuance of a license to operate a funeral home, one two hundred twenty-five <u>fifty</u> dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;	50026 50027 50028 50029
(7) <u>(6)</u> For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50030 50031 50032 50033
(8) <u>(7)</u> For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50034 50035 50036 50037
(9) <u>(8)</u> For the initial issuance of a license to operate an embalming facility, one two hundred dollars and biennial renewal of a license to operate an embalming facility, two hundred dollars;	50038 50039 50040 50041
(10) <u>(9)</u> For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;	50042 50043 50044 50045

~~(11)~~(10) For the initial issuance of a license to operate a crematory facility, ~~one~~ two hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars; 50046
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~~(12)~~(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 50049
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~~(13)~~(12) For the issuance of a duplicate of a license issued under this chapter, four dollars. 50053
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 50055
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 50059
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Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who 50064
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provide continuing education programs. 50076

(B) A person holding both an embalmer's license and a funeral 50077
director's license need meet only the continuing education 50078
requirements established by the board for one or the other of 50079
those licenses in order to satisfy the requirement of division (A) 50080
of this section. 50081

(C) The board shall not renew the license of a licensee who 50082
fails to meet the continuing education requirements of this 50083
section and who has not been granted a waiver or exemption under 50084
division (D) or (E) of this section. 50085

(D) Any licensee who fails to meet the continuing education 50086
requirements of this section because of undue hardship or 50087
disability, or who is not actively engaged in the practice of 50088
funeral directing or embalming in this state, may apply to the 50089
board for a waiver or an exemption. ~~The~~ 50090

(E) A licensee who has been an embalmer or a funeral director 50091
for not less than fifty years and is not actually in charge of an 50092
embalming facility or a manager or actually in charge of and 50093
ultimately responsible for a funeral home may apply to the board 50094
for an exemption. 50095

(F) The board shall determine, by rule, the procedures for 50096
applying for a waiver or an exemption from continuing education 50097
requirements under this section and under what conditions a waiver 50098
or an exemption may be granted. 50099

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of 50100
the Revised Code: 50101

(1) "Affiliate" means a business entity that is owned by, 50102
operated by, controlled by, or under common control with another 50103
business entity. 50104

(2) "Communication" means a written or oral notification or 50105

advertisement that meets both of the following criteria, as 50106
applicable: 50107

(a) The notification or advertisement is transmitted by or on 50108
behalf of the seller of goods or services and by or through any 50109
printed, audio, video, cinematic, telephonic, or electronic means. 50110

(b) In the case of a notification or advertisement other than 50111
by telephone, either of the following conditions is met: 50112

(i) The notification or advertisement is followed by a 50113
telephone call from a telephone solicitor or salesperson. 50114

(ii) The notification or advertisement invites a response by 50115
telephone, and, during the course of that response, a telephone 50116
solicitor or salesperson attempts to make or makes a sale of goods 50117
or services. As used in division (A)(2)(b)(ii) of this section, 50118
"invites a response by telephone" excludes the mere listing or 50119
inclusion of a telephone number in a notification or 50120
advertisement. 50121

(3) "Gift, award, or prize" means anything of value that is 50122
offered or purportedly offered, or given or purportedly given by 50123
chance, at no cost to the receiver and with no obligation to 50124
purchase goods or services. As used in this division, "chance" 50125
includes a situation in which a person is guaranteed to receive an 50126
item and, at the time of the offer or purported offer, the 50127
telephone solicitor does not identify the specific item that the 50128
person will receive. 50129

(4) "Goods or services" means any real property or any 50130
tangible or intangible personal property, or services of any kind 50131
provided or offered to a person. "Goods or services" includes, but 50132
is not limited to, advertising; labor performed for the benefit of 50133
a person; personal property intended to be attached to or 50134
installed in any real property, regardless of whether it is so 50135
attached or installed; timeshare estates or licenses; and extended 50136

service contracts. 50137

(5) "Purchaser" means a person that is solicited to become or 50138
does become financially obligated as a result of a telephone 50139
solicitation. 50140

(6) "Salesperson" means an individual who is employed, 50141
appointed, or authorized by a telephone solicitor to make 50142
telephone solicitations but does not mean any of the following: 50143

(a) An individual who comes within one of the exemptions in 50144
division (B) of this section; 50145

(b) An individual employed, appointed, or authorized by a 50146
person who comes within one of the exemptions in division (B) of 50147
this section; 50148

(c) An individual under a written contract with a person who 50149
comes within one of the exemptions in division (B) of this 50150
section, if liability for all transactions with purchasers is 50151
assumed by the person so exempted. 50152

(7) "Telephone solicitation" means a communication to a 50153
person that meets both of the following criteria: 50154

(a) The communication is initiated by or on behalf of a 50155
telephone solicitor or by a salesperson. 50156

(b) The communication either represents a price or the 50157
quality or availability of goods or services or is used to induce 50158
the person to purchase goods or services, including, but not 50159
limited to, inducement through the offering of a gift, award, or 50160
prize. 50161

(8) "Telephone solicitor" means a person that engages in 50162
telephone solicitation directly or through one or more 50163
salespersons either from a location in this state, or from a 50164
location outside this state to persons in this state. "Telephone 50165
solicitor" includes, but is not limited to, any such person that 50166

is an owner, operator, officer, or director of, partner in, or 50167
other individual engaged in the management activities of, a 50168
business. 50169

(B) A telephone solicitor is exempt from the provisions of 50170
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 50171
Code if the telephone solicitor is any one of the following: 50172

(1) A person engaging in a telephone solicitation that is a 50173
one-time or infrequent transaction not done in the course of a 50174
pattern of repeated transactions of a like nature; 50175

(2) A person engaged in telephone solicitation solely for 50176
religious or political purposes; a charitable organization, 50177
fund-raising counsel, or professional solicitor in compliance with 50178
the registration and reporting requirements of Chapter 1716. of 50179
the Revised Code; or any person or other entity exempt under 50180
section 1716.03 of the Revised Code from filing a registration 50181
statement under section 1716.02 of the Revised Code; 50182

(3) A person, making a telephone solicitation involving a 50183
home solicitation sale as defined in section 1345.21 of the 50184
Revised Code, that makes the sales presentation and completes the 50185
sale at a later, face-to-face meeting between the seller and the 50186
purchaser rather than during the telephone solicitation. However, 50187
if the person, following the telephone solicitation, causes 50188
another person to collect the payment of any money, this exemption 50189
does not apply. 50190

(4) A licensed securities, commodities, or investment broker, 50191
dealer, investment advisor, or associated person when making a 50192
telephone solicitation within the scope of the person's license. 50193
As used in division (B)(4) of this section, "licensed securities, 50194
commodities, or investment broker, dealer, investment advisor, or 50195
associated person" means a person subject to licensure or 50196
registration as such by the securities and exchange commission; 50197

the National Association of Securities Dealers or other 50198
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 50199
the division of securities under Chapter 1707. of the Revised 50200
Code; or by an official or agency of any other state of the United 50201
States. 50202

(5)(a) A person primarily engaged in soliciting the sale of a 50203
newspaper of general circulation; 50204

(b) As used in division (B)(5)(a) of this section, "newspaper 50205
of general circulation" includes, but is not limited to, both of 50206
the following: 50207

(i) A newspaper that is a daily law journal designated as an 50208
official publisher of court calendars pursuant to section 2701.09 50209
of the Revised Code; 50210

(ii) A newspaper or publication that has at least twenty-five 50211
per cent editorial, non-advertising content, exclusive of inserts, 50212
measured relative to total publication space, and an audited 50213
circulation to at least fifty per cent of the households in the 50214
newspaper's retail trade zone as defined by the audit. 50215

(6)(a) An issuer, or its subsidiary, that has a class of 50216
securities to which all of the following apply: 50217

(i) The class of securities is subject to section 12 of the 50218
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 50219
registered or is exempt from registration under 15 U.S.C.A. 50220
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 50221

(ii) The class of securities is listed on the New York stock 50222
exchange, the American stock exchange, or the NASDAQ national 50223
market system; 50224

(iii) The class of securities is a reported security as 50225
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 50226

(b) An issuer, or its subsidiary, that formerly had a class 50227

of securities that met the criteria set forth in division 50228
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 50229
net worth in excess of one hundred million dollars, files or its 50230
parent files with the securities and exchange commission an S.E.C. 50231
form 10-K, and has continued in substantially the same business 50232
since it had a class of securities that met the criteria in 50233
division (B)(6)(a) of this section. As used in division (B)(6)(b) 50234
of this section, "issuer" and "subsidiary" include the successor 50235
to an issuer or subsidiary. 50236

(7) A person soliciting a transaction regulated by the 50237
commodity futures trading commission, if the person is registered 50238
or temporarily registered for that activity with the commission 50239
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 50240
registration has not expired or been suspended or revoked; 50241

(8) A person soliciting the sale of any book, record, audio 50242
tape, compact disc, or video, if the person allows the purchaser 50243
to review the merchandise for at least seven days and provides a 50244
full refund within thirty days to a purchaser who returns the 50245
merchandise or if the person solicits the sale on behalf of a 50246
membership club operating in compliance with regulations adopted 50247
by the federal trade commission in 16 C.F.R. 425; 50248

(9) A supervised financial institution or its subsidiary. As 50249
used in division (B)(9) of this section, "supervised financial 50250
institution" means a bank, trust company, savings and loan 50251
association, savings bank, credit union, industrial loan company, 50252
consumer finance lender, commercial finance lender, or institution 50253
described in section 2(c)(2)(F) of the "Bank Holding Company Act 50254
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 50255
official or agency of the United States, this state, or any other 50256
state of the United States; or a licensee or registrant under 50257
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 50258
1321.83 of the Revised Code. 50259

(10)(a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B)(10)(b) of this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance pursuant to Title XXXIX of the Revised Code.

(11) A person soliciting the sale of services provided by a cable television system operating under authority of a governmental franchise or permit;

(12) A person soliciting a business-to-business sale under which any of the following conditions are met:

(a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.

(b) The purchaser business intends to resell the goods purchased.

(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.

(d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints,

lists, information databases, conference participation or 50290
sponsorships, trade shows or media products related to the 50291
periodical or magazine, or other publishing services provided by 50292
the controlled circulation publication. 50293

(13) A person that, not less often than once each year, 50294
publishes and delivers to potential purchasers a catalog that 50295
complies with both of the following: 50296

(a) It includes all of the following: 50297

(i) The business address of the seller; 50298

(ii) A written description or illustration of each good or 50299
service offered for sale; 50300

(iii) A clear and conspicuous disclosure of the sale price of 50301
each good or service; shipping, handling, and other charges; and 50302
return policy; 50303

(b) One of the following applies: 50304

(i) The catalog includes at least twenty-four pages of 50305
written material and illustrations, is distributed in more than 50306
one state, and has an annual postage-paid mail circulation of not 50307
less than two hundred fifty thousand households; 50308

(ii) The catalog includes at least ten pages of written 50309
material or an equivalent amount of material in electronic form on 50310
the internet or an on-line computer service, the person does not 50311
solicit customers by telephone but solely receives telephone calls 50312
made in response to the catalog, and during the calls the person 50313
takes orders but does not engage in further solicitation of the 50314
purchaser. As used in division (B)(13)(b)(ii) of this section, 50315
"further solicitation" does not include providing the purchaser 50316
with information about, or attempting to sell, any other item in 50317
the catalog that prompted the purchaser's call or in a 50318
substantially similar catalog issued by the seller. 50319

- (14) A political subdivision or instrumentality of the United States, this state, or any state of the United States; 50320
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- (15) A college or university or any other public or private institution of higher education in this state; 50322
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- (16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier; 50324
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- ~~(17) A travel agency or tour promoter that is registered in compliance with section 1333.96 of the Revised Code when soliciting within the scope of the agency's or promoter's registration;~~ 50329
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- ~~(18)~~ A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service; 50333
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- ~~(19)~~(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis: 50341
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- (i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises. 50345
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- (ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at 50348
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the person's business premises. 50350

(b) An affiliate of a person that meets the requirements in 50351
division (B)~~(19)~~(18)(a) of this section if the affiliate meets all 50352
of the following requirements: 50353

(i) The affiliate has operated a retail business for a period 50354
of less than one year; 50355

(ii) The affiliate either displays goods and offers them for 50356
retail sale at the affiliate's business premises or offers 50357
services for sale and provides them at the affiliate's business 50358
premises; 50359

(iii) At least fifty-one per cent of the affiliate's gross 50360
dollar volume of retail sales involves purchases of goods or 50361
services at the affiliate's business premises. 50362

(c) A person that, for a period of less than one year, has 50363
been operating a retail business in this state under the same name 50364
as that used in connection with telephone solicitation, as long as 50365
all of the following requirements are met: 50366

(i) The person either displays goods and offers them for 50367
retail sale at the person's business premises or offers services 50368
for sale and provides them at the person's business premises; 50369

(ii) The goods or services that are the subject of telephone 50370
solicitation are sold at the person's business premises, and at 50371
least sixty-five per cent of the person's gross dollar volume of 50372
retail sales involves purchases of goods or services at the 50373
person's business premises; 50374

(iii) The person conducts all telephone solicitation 50375
activities according to sections 310.3, 310.4, and 310.5 of the 50376
telemarketing sales rule adopted by the federal trade commission 50377
in 16 C.F.R. part 310. 50378

~~(20)~~(19) A person who performs telephone solicitation sales 50379

services on behalf of other persons and to whom one of the 50380
following applies: 50381

(a) The person has operated under the same ownership, 50382
control, and business name for at least five years, and the person 50383
receives at least seventy-five per cent of its gross revenues from 50384
written telephone solicitation contracts with persons who come 50385
within one of the exemptions in division (B) of this section. 50386

(b) The person is an affiliate of one or more exempt persons 50387
and makes telephone solicitations on behalf of only the exempt 50388
persons of which it is an affiliate. 50389

(c) The person makes telephone solicitations on behalf of 50390
only exempt persons, the person and each exempt person on whose 50391
behalf telephone solicitations are made have entered into a 50392
written contract that specifies the manner in which the telephone 50393
solicitations are to be conducted and that at a minimum requires 50394
compliance with the telemarketing sales rule adopted by the 50395
federal trade commission in 16 C.F.R. part 310, and the person 50396
conducts the telephone solicitations in the manner specified in 50397
the written contract. 50398

(d) The person performs telephone solicitation for religious 50399
or political purposes, a charitable organization, a fund-raising 50400
council, or a professional solicitor in compliance with the 50401
registration and reporting requirements of Chapter 1716. of the 50402
Revised Code; and meets all of the following requirements: 50403

(i) The person has operated under the same ownership, 50404
control, and business name for at least five years, and the person 50405
receives at least fifty-one per cent of its gross revenues from 50406
written telephone solicitation contracts with persons who come 50407
within the exemption in division (B)(2) of this section; 50408

(ii) The person does not conduct a prize promotion or offer 50409
the sale of an investment opportunity; and 50410

(iii) The person conducts all telephone solicitation 50411
activities according to sections 310.3, 310.4, and 310.5 of the 50412
telemarketing sales rules adopted by the federal trade commission 50413
in 16 C.F.R. part 310. 50414

~~(21)~~(20) A person that is a licensed real estate salesperson 50415
or broker under Chapter 4735. of the Revised Code when soliciting 50416
within the scope of the person's license; 50417

~~(22)~~(21)(a) Either of the following: 50418

(i) A publisher that solicits the sale of the publisher's 50419
periodical or magazine of general, paid circulation, or a person 50420
that solicits a sale of that nature on behalf of a publisher under 50421
a written agreement directly between the publisher and the person. 50422

(ii) A publisher that solicits the sale of the publisher's 50423
periodical or magazine of general, paid circulation, or a person 50424
that solicits a sale of that nature as authorized by a publisher 50425
under a written agreement directly with a publisher's 50426
clearinghouse provided the person is a resident of Ohio for more 50427
than three years and initiates all telephone solicitations from 50428
Ohio and the person conducts the solicitation and sale in 50429
compliance with 16 C.F.R. Part 310, as adopted by the federal 50430
trade commission. 50431

(b) As used in division (B)~~(22)~~(21) of this section, 50432
"periodical or magazine of general, paid circulation" excludes a 50433
periodical or magazine circulated only as part of a membership 50434
package or given as a free gift or prize from the publisher or 50435
person. 50436

~~(23)~~(22) A person that solicits the sale of food, as defined 50437
in section 3715.01 of the Revised Code, or the sale of products of 50438
horticulture, as defined in section 5739.01 of the Revised Code, 50439
if the person does not intend the solicitation to result in, or 50440
the solicitation actually does not result in, a sale that costs 50441

the purchaser an amount greater than five hundred dollars. 50442

~~(24)~~(23) A funeral director licensed pursuant to Chapter 50443
4717. of the Revised Code when soliciting within the scope of that 50444
license, if both of the following apply: 50445

(a) The solicitation and sale are conducted in compliance 50446
with 16 C.F.R. part 453, as adopted by the federal trade 50447
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 50448
the Revised Code; 50449

(b) The person provides to the purchaser of any preneed 50450
funeral contract a notice that clearly and conspicuously sets 50451
forth the cancellation rights specified in division (G) of section 50452
1107.33 of the Revised Code, and retains a copy of the notice 50453
signed by the purchaser. 50454

~~(25)~~(24) A person, or affiliate thereof, licensed to sell or 50455
issue Ohio instruments designated as travelers checks pursuant to 50456
sections 1315.01 to 1315.11 of the Revised Code. 50457

~~(26)~~(25) A person that solicits sales from its previous 50458
purchasers and meets all of the following requirements: 50459

(a) The solicitation is made under the same business name 50460
that was previously used to sell goods or services to the 50461
purchaser; 50462

(b) The person has, for a period of not less than three 50463
years, operated a business under the same business name as that 50464
used in connection with telephone solicitation; 50465

(c) The person does not conduct a prize promotion or offer 50466
the sale of an investment opportunity; 50467

(d) The person conducts all telephone solicitation activities 50468
according to sections 310.3, 310.4, and 310.5 of the telemarketing 50469
sales rules adopted by the federal trade commission in 16 C.F.R. 50470
part 310; 50471

(e) Neither the person nor any of its principals has been 50472
convicted of, pleaded guilty to, or has entered a plea of no 50473
contest for a felony or a theft offense as defined in sections 50474
2901.02 and 2913.01 of the Revised Code or similar law of another 50475
state or of the United States; 50476

(f) Neither the person nor any of its principals has had 50477
entered against them an injunction or a final judgment or order, 50478
including an agreed judgment or order, an assurance of voluntary 50479
compliance, or any similar instrument, in any civil or 50480
administrative action involving engaging in a pattern of corrupt 50481
practices, fraud, theft, embezzlement, fraudulent conversion, or 50482
misappropriation of property; the use of any untrue, deceptive, or 50483
misleading representation; or the use of any unfair, unlawful, 50484
deceptive, or unconscionable trade act or practice. 50485

~~(27)~~(26) An institution defined as a home health agency in 50486
section ~~3701.88~~ 3701.881 of the Revised Code, that conducts all 50487
telephone solicitation activities according to sections 310.3, 50488
310.4, and 310.5 of the telemarketing sales rules adopted by the 50489
federal trade commission in 16 C.F.R. part 310, and engages in 50490
telephone solicitation only within the scope of the institution's 50491
certification, accreditation, contract with the department of 50492
aging, or status as a home health agency; and that meets one of 50493
the following requirements: 50494

(a) The institution is certified as a provider of home health 50495
services under Title XVIII of the Social Security Act, 49 Stat. 50496
620, 42 U.S.C. 301, as amended; ~~and is registered with the~~ 50497
~~department of health pursuant to division (B) of section 3701.88~~ 50498
~~of the Revised Code;~~ 50499

(b) The institution is accredited by either the joint 50500
commission on accreditation of health care organizations or the 50501
community health accreditation program; 50502

(c) The institution is providing passport services under the direction of the Ohio department of aging under section 173.40 of the Revised Code;

(d) An affiliate of an institution that meets the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)~~(27)~~(26)(a), (b), or (c) of this section.

~~(28)~~(27) A person licensed to provide a hospice care program by the department of health pursuant to section 3712.04 of the Revised Code when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

Sec. 4723.01. As used in this chapter:

(A) "Registered nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a registered nurse.

(B) "Practice of nursing as a registered nurse" means providing to individuals and groups nursing care requiring specialized knowledge, judgment, and skill derived from the principles of biological, physical, behavioral, social, and nursing sciences. Such nursing care includes:

(1) Identifying patterns of human responses to actual or potential health problems amenable to a nursing regimen;

(2) Executing a nursing regimen through the selection, performance, management, and evaluation of nursing actions;

(3) Assessing health status for the purpose of providing nursing care;

(4) Providing health counseling and health teaching;	50533
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	50534 50535 50536 50537
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	50538 50539
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	50540 50541
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	50542 50543 50544 50545
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	50546 50547 50548
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a licensed physician, dentist, podiatrist, optometrist, chiropractor, or registered nurse. Such nursing care includes:	50549 50550 50551 50552 50553 50554
(1) Observation, patient teaching, and care in a diversity of health care settings;	50555 50556
(2) Contributions to the planning, implementation, and evaluation of nursing;	50557 50558
(3) Administration of medications and treatments authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice, except that administration of intravenous therapy shall	50559 50560 50561 50562

be performed only in accordance with section 4723.17 or 4723.171 50563
of the Revised Code. Medications may be administered by a licensed 50564
practical nurse upon proof of completion of a course in medication 50565
administration approved by the board of nursing. 50566

(4) Administration to an adult of intravenous therapy 50567
authorized by an individual who is authorized to practice in this 50568
state and is acting within the course of the individual's 50569
professional practice, on the condition that the licensed 50570
practical nurse is authorized under section 4723.17 or 4723.171 of 50571
the Revised Code to perform intravenous therapy and performs 50572
intravenous therapy only in accordance with those sections. 50573

(G) "Certified registered nurse anesthetist" means a 50574
registered nurse who holds a valid certificate of authority issued 50575
under this chapter that authorizes the practice of nursing as a 50576
certified registered nurse anesthetist in accordance with section 50577
4723.43 of the Revised Code and rules adopted by the board of 50578
nursing. 50579

(H) "Clinical nurse specialist" means a registered nurse who 50580
holds a valid certificate of authority issued under this chapter 50581
that authorizes the practice of nursing as a clinical nurse 50582
specialist in accordance with section 4723.43 of the Revised Code 50583
and rules adopted by the board of nursing. 50584

(I) "Certified nurse-midwife" means a registered nurse who 50585
holds a valid certificate of authority issued under this chapter 50586
that authorizes the practice of nursing as a certified 50587
nurse-midwife in accordance with section 4723.43 of the Revised 50588
Code and rules adopted by the board of nursing. 50589

(J) "Certified nurse practitioner" means a registered nurse 50590
who holds a valid certificate of authority issued under this 50591
chapter that authorizes the practice of nursing as a certified 50592
nurse practitioner in accordance with section 4723.43 of the 50593

Revised Code and rules adopted by the board of nursing. 50594

(K) "Physician" means an individual authorized under Chapter 50595
4731. of the Revised Code to practice medicine and surgery or 50596
osteopathic medicine and surgery. 50597

(L) "Collaboration" or "collaborating" means the following: 50598

(1) In the case of a clinical nurse specialist, except as 50599
provided in division (L)(3) of this section, or a certified nurse 50600
practitioner, that one or more podiatrists acting within the scope 50601
of practice of podiatry in accordance with section 4731.51 of the 50602
Revised Code and with whom the nurse has entered into a standard 50603
care arrangement or one or more physicians with whom the nurse has 50604
entered into a standard care arrangement are continuously 50605
available to communicate with the clinical nurse specialist or 50606
certified nurse practitioner either in person or by radio, 50607
telephone, or other form of telecommunication; 50608

(2) In the case of a certified nurse-midwife, that one or 50609
more physicians with whom the certified nurse-midwife has entered 50610
into a standard care arrangement are continuously available to 50611
communicate with the certified nurse-midwife either in person or 50612
by radio, telephone, or other form of telecommunication; 50613

(3) In the case of a clinical nurse specialist who practices 50614
the nursing specialty of mental health or psychiatric mental 50615
health without being authorized to prescribe drugs and therapeutic 50616
devices, that one or more physicians are continuously available to 50617
communicate with the nurse either in person or by radio, 50618
telephone, or other form of telecommunication. 50619

(M) "Supervision," as it pertains to a certified registered 50620
nurse anesthetist, means that the certified registered nurse 50621
anesthetist is under the direction of a podiatrist acting within 50622
the podiatrist's scope of practice in accordance with section 50623
4731.51 of the Revised Code, a dentist acting within the dentist's 50624

scope of practice in accordance with Chapter 4715. of the Revised 50625
Code, or a physician, and, when administering anesthesia, the 50626
certified registered nurse anesthetist is in the immediate 50627
presence of the podiatrist, dentist, or physician. 50628

(N) "Standard care arrangement," except as it pertains to an 50629
advanced practice nurse, means a written, formal guide for 50630
planning and evaluating a patient's health care that is developed 50631
by one or more collaborating physicians or podiatrists and a 50632
clinical nurse specialist, certified nurse-midwife, or certified 50633
nurse practitioner and meets the requirements of section 4723.431 50634
of the Revised Code. 50635

(O) "Advanced practice nurse," until three years and eight 50636
months after May 17, 2000, means a registered nurse who is 50637
approved by the board of nursing under section 4723.55 of the 50638
Revised Code to practice as an advanced practice nurse. 50639

(P) "Dialysis care" means the care and procedures that a 50640
dialysis technician is authorized to provide and perform, as 50641
specified in section 4723.72 of the Revised Code. 50642

(Q) "Dialysis technician" means an individual who holds a 50643
current, valid certificate or temporary certificate issued under 50644
this chapter that authorizes the individual to practice as a 50645
dialysis technician in accordance with section 4723.72 of the 50646
Revised Code. 50647

(R) "Certified community health worker" means an individual 50648
who holds a current, valid certificate as a community health 50649
worker issued by the board of nursing under section 4723.85 of the 50650
Revised Code. 50651

Sec. 4723.06. (A) The board of nursing shall: 50652

(1) Administer and enforce the provisions of this chapter, 50653
including the taking of disciplinary action for violations of 50654

section 4723.28 of the Revised Code, any other provisions of this 50655
chapter, or rules adopted under this chapter; 50656

(2) Develop criteria that an applicant must meet to be 50657
eligible to sit for the examination for licensure to practice as a 50658
registered nurse or as a licensed practical nurse; 50659

(3) Issue and renew nursing licenses ~~and~~, dialysis technician 50660
certificates, and community health worker certificates, as 50661
provided in this chapter; 50662

(4) Define the minimum curricula and standards for 50663
educational programs of the schools of professional nursing and 50664
schools of practical nursing in this state; 50665

(5) Survey, inspect, and grant full approval to prelicensure 50666
nursing education programs that meet the standards established by 50667
rules adopted under section 4723.07 of the Revised Code. 50668
Prelicensure nursing education programs include, but are not 50669
limited to, associate degree, baccalaureate degree, diploma, and 50670
doctor of nursing programs leading to initial licensure to 50671
practice nursing as a registered nurse and practical nurse 50672
programs leading to initial licensure to practice nursing as a 50673
licensed practical nurse. 50674

(6) Grant conditional approval, by a vote of a quorum of the 50675
board, to a new prelicensure nursing education program or a 50676
program that is being reestablished after having ceased to 50677
operate, if the program meets and maintains the minimum standards 50678
of the board established by rules adopted under section 4723.07 of 50679
the Revised Code. If the board does not grant conditional 50680
approval, it shall hold an adjudication under Chapter 119. of the 50681
Revised Code to consider conditional approval of the program. If 50682
the board grants conditional approval, at its first meeting after 50683
the first class has completed the program, the board shall 50684
determine whether to grant full approval to the program. If the 50685

board does not grant full approval or if it appears that the 50686
program has failed to meet and maintain standards established by 50687
rules adopted under section 4723.07 of the Revised Code, the board 50688
shall hold an adjudication under Chapter 119. of the Revised Code 50689
to consider the program. Based on results of the adjudication, the 50690
board may continue or withdraw conditional approval, or grant full 50691
approval. 50692

(7) Place on provisional approval, for a period of time 50693
specified by the board, a program that has ceased to meet and 50694
maintain the minimum standards of the board established by rules 50695
adopted under section 4723.07 of the Revised Code. At the end of 50696
the period, the board shall reconsider whether the program meets 50697
the standards and shall grant full approval if it does. If it does 50698
not, the board may withdraw approval, pursuant to an adjudication 50699
under Chapter 119. of the Revised Code. 50700

(8) Approve continuing nursing education programs and courses 50701
under standards established in rules adopted under section 4723.07 50702
of the Revised Code; 50703

(9) Approve peer support programs, under rules adopted under 50704
section 4723.07 of the Revised Code, for nurses ~~and~~, for dialysis 50705
technicians, and for certified community health workers; 50706

(10) Establish a program for monitoring chemical dependency 50707
in accordance with section 4723.35 of the Revised Code; 50708

(11) Establish the practice intervention and improvement 50709
program in accordance with section 4723.282 of the Revised Code; 50710

(12) Issue and renew certificates of authority to practice 50711
nursing as a certified registered nurse anesthetist, clinical 50712
nurse specialist, certified nurse-midwife, or certified nurse 50713
practitioner; 50714

(13) Approve under section 4723.46 of the Revised Code 50715
national certifying organizations for examination and 50716

certification of certified registered nurse anesthetists, clinical 50717
nurse specialists, certified nurse-midwives, or certified nurse 50718
practitioners; 50719

(14) Issue and renew certificates to prescribe in accordance 50720
with sections 4723.48 and 4723.485 of the Revised Code; 50721

(15) Grant approval to the planned classroom and clinical 50722
study required by section 4723.483 of the Revised Code to be 50723
eligible for a certificate to prescribe; 50724

(16) Make an annual edition of the formulary established in 50725
rules adopted under section 4723.50 of the Revised Code available 50726
to the public either in printed form or by electronic means and, 50727
as soon as possible after any revision of the formulary becomes 50728
effective, make the revision available to the public in printed 50729
form or by electronic means; 50730

(17) Provide guidance and make recommendations to the general 50731
assembly, the governor, state agencies, and the federal government 50732
with respect to the regulation of the practice of nursing and the 50733
enforcement of this chapter; 50734

(18) Make an annual report to the governor, which shall be 50735
open for public inspection; 50736

(19) Maintain and have open for public inspection the 50737
following records: 50738

(a) A record of all its meetings and proceedings; 50739

(b) A file of holders of nursing licenses, registrations, and 50740
certificates granted under this chapter ~~and~~; dialysis technician 50741
certificates granted under this chapter; and community health 50742
worker certificates granted under this chapter. The file shall be 50743
maintained in the form prescribed by rule of the board. 50744

(c) A list of prelicensure nursing education programs 50745
approved by the board; 50746

(d) A list of approved peer support programs for nurses and, 50747
dialysis technicians, and certified community health workers. 50748

(B) The board may fulfill the requirement of division (A)(8) 50749
of this section by authorizing persons who meet the standards 50750
established in rules adopted under section 4723.07 of the Revised 50751
Code to approve continuing nursing education programs and courses. 50752
Persons so authorized shall approve continuing nursing education 50753
programs and courses in accordance with standards established in 50754
rules adopted under section 4723.07 of the Revised Code. 50755

Persons seeking authorization to approve continuing nursing 50756
education programs and courses shall apply to the board and pay 50757
the appropriate fee established under section 4723.08 of the 50758
Revised Code. Authorizations to approve continuing nursing 50759
education programs and courses shall expire, and may be renewed 50760
according to the schedule established in rules adopted under 50761
section ~~4732.07~~ 4723.07 of the Revised Code. 50762

In addition to approving continuing nursing education 50763
programs under division (A)(8) of this section, the board may 50764
sponsor continuing education activities that are directly related 50765
to the statutes and rules pertaining to the practice of nursing in 50766
this state. 50767

Sec. 4723.063. (A) As used in this section: 50768

(1) "Health care facility" means: 50769

(a) A hospital registered under section 3701.07 of the 50770
Revised Code; 50771

(b) A nursing home licensed under section 3721.02 of the 50772
Revised Code, or by a political subdivision certified under 50773
section 3721.09 of the Revised Code; 50774

(c) A county home or a county nursing home as defined in 50775
section 5155.31 of the Revised Code that is certified under Title 50776

<u>XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42</u>	50777
<u>U.S.C. 301, amended;</u>	50778
<u>(d) A freestanding dialysis center;</u>	50779
<u>(e) A freestanding inpatient rehabilitation facility;</u>	50780
<u>(f) An ambulatory surgical facility;</u>	50781
<u>(g) A freestanding cardiac catheterization facility;</u>	50782
<u>(h) A freestanding birthing center;</u>	50783
<u>(i) A freestanding or mobile diagnostic imaging center;</u>	50784
<u>(j) A freestanding radiation therapy center.</u>	50785
<u>(2) "Nurse education program" means a prelicensure nurse</u>	50786
<u>education program approved by the board of nursing under section</u>	50787
<u>4723.06 of the Revised Code or a postlicensure nurse education</u>	50788
<u>program approved by the board of regents under section 3333.04 of</u>	50789
<u>the Revised Code.</u>	50790
<u>(B) The state board of nursing shall establish and administer</u>	50791
<u>the nurse education grant program. Under the program, the board</u>	50792
<u>shall award grants to nurse education programs that have</u>	50793
<u>partnerships with other education programs, community health</u>	50794
<u>agencies, or health care facilities. Grant recipients shall use</u>	50795
<u>the money to fund partnerships to increase the nurse education</u>	50796
<u>program's enrollment capacity. Methods of increasing a program's</u>	50797
<u>enrollment capacity may include hiring faculty and preceptors,</u>	50798
<u>purchasing educational equipment and materials, and other actions</u>	50799
<u>acceptable to the board. Grant money shall not be used to</u>	50800
<u>construct or renovate buildings. Partnerships may be developed</u>	50801
<u>between one or more nurse education programs and one or more</u>	50802
<u>health care facilities.</u>	50803
<u>In awarding grants, the board shall give preference to</u>	50804
<u>partnerships between nurse education programs and hospitals,</u>	50805
<u>nursing homes, and county homes or county nursing homes, but may</u>	50806

also award grants to fund partnerships between nurse education programs and other health care facilities. 50807
50808

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the following: 50809
50810

(1) Eligibility requirements for receipt of a grant; 50811

(2) Grant application forms and procedures; 50812

(3) The amounts in which grants may be made and the total amount that may be awarded to a nurse education program that has a partnership with other education programs, a community health agency, or a health care facility; 50813
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50815
50816

(4) A method whereby the board may evaluate the effectiveness of a partnership between joint recipients in increasing the nurse education program's enrollment capacity; 50817
50818
50819

(5) The percentage of the money in the fund that must remain in the fund at all times to maintain a fiscally responsible fund balance; 50820
50821
50822

(6) The percentage of available grants to be awarded to licensed practical nurse education programs, registered nurse education programs, and graduate programs; 50823
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50825

(7) Any other matters incidental to the operation of the program. 50826
50827

(D) From January 1, 2004, until December 31, 2013, the ten dollars of each biennial nursing license renewal fee collected under section 4723.08 of the Revised Code shall be dedicated to the nurse education grant program fund, which is hereby created in the state treasury. The board shall use money in the fund for grants awarded under division (A) of this section and for expenses of administering the grant program. The amount used for administrative expenses in any year shall not exceed ten per cent of the amount transferred to the fund in that year. 50828
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(E) Each quarter, for the purposes of transferring funds to the nurse education grant program, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times ten dollars.

(F) Notwithstanding the requirements of section 4743.05 of the Revised Code, from January 1, 2004, until December 31, 2013, at the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education grant program fund the amount certified under division (E) of this section.

Sec. 4723.07. In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt and may amend and rescind rules that establish all of the following:

(A) Provisions for the board's government and control of its actions and business affairs;

(B) Minimum curricula and standards for nursing education programs that prepare graduates to be licensed under this chapter and procedures for granting, renewing, and withdrawing approval of those programs;

(C) Criteria that applicants for licensure must meet to be eligible to take examinations for licensure;

(D) Standards and procedures for renewal of the licenses and certificates issued by the board;

(E) Standards for approval of continuing nursing education programs and courses for registered nurses, licensed practical nurses, certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. The standards may provide for approval of continuing nursing education programs and courses that have been

approved by other state boards of nursing or by national 50867
accreditation systems for nursing, including, but not limited to, 50868
the American nurses' credentialing center and the national 50869
association for practical nurse education and service. 50870

(F) Standards that persons must meet to be authorized by the 50871
board to approve continuing nursing education programs and courses 50872
and a schedule by which that authorization expires and may be 50873
renewed; 50874

(G) Requirements, including continuing education 50875
requirements, for restoring inactive nursing licenses ~~and,~~ 50876
dialysis technician certificates, and community health worker 50877
certificates, and for restoring nursing licenses and, dialysis 50878
technician certificates, and community health worker certificates 50879
that have lapsed through failure to renew; 50880

(H) Conditions that may be imposed for reinstatement of a 50881
nursing license ~~or,~~ dialysis technician certificate, or community 50882
health worker certificate following action taken under ~~sections~~ 50883
section 3123.47, 4723.28, ~~and~~ 4723.281, or 4723.86 of the Revised 50884
Code resulting in a license or certificate suspension ~~from~~ 50885
practice; 50886

(I) Standards for approval of peer support programs for 50887
persons who hold a nursing license ~~or,~~ dialysis technician 50888
certificate, or community health worker certificate; 50889

(J) Requirements for board approval of courses in medication 50890
administration by licensed practical nurses; 50891

(K) Criteria for evaluating the qualifications of an 50892
applicant for a license to practice nursing as a registered nurse 50893
or licensed practical nurse, a certificate of authority issued 50894
under division (E) of section 4723.41 of the Revised Code, ~~or~~ a 50895
dialysis technician certificate, or a community health worker 50896
certificate by the board's endorsement of the applicant's 50897

authority to practice issued by the licensing agency of another	50898
state;	50899
(L) Universal blood and body fluid precautions that shall be	50900
used by each person holding a nursing license or dialysis	50901
technician certificate issued under this chapter who performs	50902
exposure-prone invasive procedures. The rules shall define and	50903
establish requirements for universal blood and body fluid	50904
precautions that include the following:	50905
(1) Appropriate use of hand washing;	50906
(2) Disinfection and sterilization of equipment;	50907
(3) Handling and disposal of needles and other sharp	50908
instruments;	50909
(4) Wearing and disposal of gloves and other protective	50910
garments and devices.	50911
(M) Standards and procedures for approving certificates of	50912
authority to practice nursing as a certified registered nurse	50913
anesthetist, clinical nurse specialist, certified nurse-midwife,	50914
or certified nurse practitioner, and for renewal of those	50915
certificates;	50916
(N) Quality assurance standards for certified registered	50917
nurse anesthetists, clinical nurse specialists, certified	50918
nurse-midwives, or certified nurse practitioners;	50919
(O) Additional criteria for the standard care arrangement	50920
required by section 4723.431 of the Revised Code entered into by a	50921
clinical nurse specialist, certified nurse-midwife, or certified	50922
nurse practitioner and the nurse's collaborating physician or	50923
podiatrist;	50924
(P) Continuing education standards for clinical nurse	50925
specialists who are exempt under division (C) of section 4723.41	50926
of the Revised Code from the requirement of having passed a	50927

certification examination;	50928
(Q) For purposes of division (B)(31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient.	50929 50930 50931 50932
The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	50933 50934 50935
Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:	50936 50937
(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, fifty <u>seventy-five</u> dollars;	50938 50939 50940
(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, fifty <u>seventy-five</u> dollars;	50941 50942 50943
(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;	50944 50945 50946 50947
(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50948 50949 50950
(5) For application for a full dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50951 50952 50953
(6) For application for a certificate to prescribe, fifty dollars;	50954 50955
(7) For verification of a nursing license, certificate of	50956

authority, or dialysis technician certificate to another	50957
jurisdiction, fifteen dollars;	50958
(8) For providing a replacement copy of a nursing license,	50959
certificate of authority, or certificate to prescribe, dialysis	50960
technician certificate, fifteen intravenous therapy card, or	50961
<u>frameable certificate, twenty-five</u> dollars;	50962
(9) For biennial renewal of a nursing license that expires on	50963
or before <u>after</u> August 31, 2003, thirty-five but before January 1,	50964
<u>2004, forty-five</u> dollars;	50965
(10) For biennial renewal of a nursing license that expires	50966
on or after September 1, 2003, forty-five <u>January 1, 2004,</u>	50967
<u>sixty-five</u> dollars;	50968
(11) For biennial renewal of a certificate of authority to	50969
practice nursing as a certified registered nurse anesthetist,	50970
clinical nurse specialist, certified nurse mid-wife, or certified	50971
nurse practitioner that expires on or before August 31, 2005, one	50972
hundred dollars;	50973
(12) For biennial renewal of a certificate of authority to	50974
practice nursing as a certified registered nurse anesthetist,	50975
clinical nurse specialist, certified nurse-midwife, or certified	50976
nurse practitioner that expires on or after September 1, 2005,	50977
eighty-five dollars;	50978
(13) For renewal of a certificate to prescribe, fifty	50979
dollars;	50980
(14) For biennial renewal of a dialysis technician	50981
certificate, the amount specified in rules adopted under section	50982
4723.79 of the Revised Code;	50983
(15) For processing a late application for renewal of a	50984
nursing license, certificate of authority, or dialysis technician	50985
certificate, fifty dollars;	50986

(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	50987 50988 50989 50990
(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	50991 50992 50993 50994
(18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	50995 50996 50997
(19) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	50998 50999 51000
(20) For reinstatement of a lapsed nursing license, certificate of authority, or dialysis technician certificate, one hundred dollars;	51001 51002 51003
(21) For written verification of a nursing license, certificate of authority, or dialysis technician certificate, <u>when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars.</u> The board may contract for services pertaining to this verification process and the collection of the fee, and may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.;	51004 51005 51006 51007 51008 51009 51010 51011
(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars;	51012 51013
<u>(23) For issuance of an intravenous therapy card for which a fee may be charged under section 4723.17 of the Revised Code, twenty-five dollars;</u>	51014 51015 51016

(24) For out-of-state survey visits of nursing education 51017
programs operating in Ohio, two thousand dollars; 51018

(25) The amounts specified in rules adopted under section 51019
4723.88 of the Revised Code pertaining to the issuance of 51020
certificates to community health workers, including fees for 51021
application for a certificate, verification of a certificate to 51022
another jurisdiction, written verification of a certificate when 51023
the verification is performed for purposes other than verification 51024
to another jurisdiction, providing a replacement copy of a 51025
certificate, biennial renewal of a certificate, processing a late 51026
application for renewal of a certificate, reinstatement of a 51027
lapsed certificate, application for approval of a community health 51028
worker training program for community health workers, and biennial 51029
renewal of the approval of a training program for community health 51030
workers. 51031

(B) Each quarter, for purposes of transferring funds under 51032
section 4743.05 of the Revised Code to the nurse education 51033
assistance fund created in section 3333.28 of the Revised Code, 51034
the board of nursing shall certify to the director of budget and 51035
management the number of biennial licenses renewed under this 51036
chapter during the preceding quarter and the amount equal to that 51037
number times five dollars. 51038

(C) The board may charge a participant in a board-sponsored 51039
continuing education activity an amount not exceeding fifteen 51040
dollars for each activity. 51041

(D) The board may contract for services pertaining to the 51042
process of providing written verification of a nursing license, 51043
certificate of authority, dialysis technician certificate, or 51044
community health worker certificate when the verification is 51045
performed for purposes other than providing verification to 51046
another jurisdiction. The contract may include provisions 51047

pertaining to the collection of the fee charged for providing the 51048
written verification. As part of these provisions, the board may 51049
permit the contractor to retain a portion of the fees as 51050
compensation, before any amounts are deposited into the state 51051
treasury. 51052

Sec. 4723.082. ~~All~~ (A) Except as provided in section 4723.062 51053
of the Revised Code and division (B) of this section, all receipts 51054
of the board of nursing, from any source, shall be deposited in 51055
the state treasury to the credit of the occupational licensing and 51056
regulatory fund. ~~All~~ 51057

(B) All receipts from board-sponsored continuing education 51058
activities shall be deposited in the state treasury to the credit 51059
of the special nursing issue fund created by section 4723.062 of 51060
the Revised Code. 51061

(C) All vouchers of the board shall be approved by the board 51062
president or executive director, or both, as authorized by the 51063
board. 51064

Sec. 4723.17. (A) The board of nursing may authorize a 51065
licensed practical nurse to administer to an adult intravenous 51066
therapy authorized by an individual who is authorized to practice 51067
in this state and is acting within the course of the individual's 51068
professional practice, if ~~all of the following are true of the~~ 51069
licensed practical nurse+ 51070

~~(1) The nurse~~ has a current, valid license issued under this 51071
chapter that includes authorization to administer medications and 51072
one of the following is the case: 51073

(1) The nurse has successfully completed, within a practical 51074
nurse prelicensure education program approved by the board or by 51075
another jurisdiction's agency that regulates the practice of 51076
nursing, a course of study that prepares the nurse to safely 51077

perform the intravenous therapy procedures the board may authorize 51078
under this section. To meet this requirement, the course of study 51079
must include all of the following: 51080

(a) Both didactic and clinical components; 51081

(b) Curriculum requirements established in rules the board of 51082
nursing shall adopt in accordance with Chapter 119. of the Revised 51083
Code; 51084

(c) Standards that require the nurse to perform a successful 51085
demonstration of the intravenous procedures, including all skills 51086
needed to perform them safely. 51087

(2) The nurse has successfully completed a ~~course in~~ 51088
~~intravenous administration approved by the board that includes~~ 51089
~~both of the following:~~ 51090

~~(a)~~ A minimum of forty hours of training that includes all of 51091
the following: 51092

~~(i)~~(a) The curriculum established by rules adopted by the 51093
board and in effect on January 1, 1999; 51094

~~(ii)~~(b) Training in the anatomy and physiology of the 51095
cardiovascular system, signs and symptoms of local and systemic 51096
complications in the administration of fluids and antibiotic 51097
additives, and guidelines for management of these complications; 51098

~~(iii)~~(c) Any other training or instruction the board 51099
considers appropriate. 51100

~~(b)~~(d) A testing component that ~~includes the successful~~ 51101
~~performance of three venipunctures supervised by a physician or~~ 51102
~~registered nurse in a health care setting~~ requires the nurse to 51103
perform a successful demonstration of the intravenous procedures, 51104
including all skills needed to perform them safely. 51105

(B) Except as provided in section 4723.171 of the Revised 51106
Code, a licensed practical nurse may perform intravenous therapy 51107

only if authorized by the board pursuant to division (A) of this 51108
section and only if it is performed in accordance with this 51109
section. 51110

A licensed practical nurse authorized by the board to perform 51111
intravenous therapy may perform an intravenous therapy procedure 51112
only at the direction of one of the following: 51113

(1) A licensed physician, dentist, optometrist, or podiatrist 51114
who, except as provided in division (C)(2) of this section, is 51115
present and readily available at the facility where the 51116
intravenous therapy procedure is performed; 51117

(2) A registered nurse in accordance with division (C) of 51118
this section. 51119

(C)(1) Except as provided in division (C)(2) of this section 51120
and section 4723.171 of the Revised Code, when a licensed 51121
practical nurse authorized by the board to perform intravenous 51122
therapy performs an intravenous therapy procedure at the direction 51123
of a registered nurse, the registered nurse or another registered 51124
nurse shall be readily available at the site where the intravenous 51125
therapy is performed, and before the licensed practical nurse 51126
initiates the intravenous therapy, the registered nurse shall 51127
personally perform an on-site assessment of the individual who is 51128
to receive the intravenous therapy. 51129

(2) When a licensed practical nurse authorized by the board 51130
to perform intravenous therapy performs an intravenous therapy 51131
procedure in a home as defined in section 3721.10 of the Revised 51132
Code, or in an intermediate care facility for the mentally 51133
retarded as defined in section 5111.20 of the Revised Code, at the 51134
direction of a registered nurse or licensed physician, dentist, 51135
optometrist, or podiatrist, a registered nurse shall be on the 51136
premises of the home or facility or accessible by some form of 51137
telecommunication. 51138

(D) No licensed practical nurse shall perform any of the	51139
following intravenous therapy procedures:	51140
(1) Initiating or maintaining any of the following:	51141
(a) Blood or blood components;	51142
(b) Solutions for total parenteral nutrition;	51143
(c) Any cancer therapeutic medication including, but not	51144
limited to, cancer chemotherapy or an anti-neoplastic agent;	51145
(d) Solutions administered through any central venous line or	51146
arterial line or any other line that does not terminate in a	51147
peripheral vein, except that a licensed practical nurse authorized	51148
by the board to perform intravenous therapy may maintain the	51149
solutions specified in division (D)(6)(a) of this section that are	51150
being administered through a central venous line or peripherally	51151
inserted central catheter;	51152
(e) Any investigational or experimental medication.	51153
(2) Initiating intravenous therapy in any vein, except that a	51154
licensed practical nurse authorized by the board to perform	51155
intravenous therapy may initiate intravenous therapy in accordance	51156
with this section in a vein of the hand, forearm, or antecubital	51157
fossa;	51158
(3) Discontinuing a central venous, arterial, or any other	51159
line that does not terminate in a peripheral vein;	51160
(4) Initiating or discontinuing a peripherally inserted	51161
central catheter;	51162
(5) Mixing, preparing, or reconstituting any medication for	51163
intravenous therapy, except that a licensed practical nurse	51164
authorized by the board to perform intravenous therapy may prepare	51165
or reconstitute an antibiotic additive;	51166
(6) Administering medication via the intravenous route,	51167

including all of the following activities:	51168
(a) Adding medication to an intravenous solution or to an existing infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may do either of the following:	51169 51170 51171 51172
(i) Initiate an intravenous infusion containing one or more of the following elements: dextrose 5%; normal saline; lactated ringers; sodium chloride .45%; sodium chloride 0.2%; sterile water.	51173 51174 51175 51176
(ii) Hang subsequent containers of the intravenous solutions specified in division (D)(6)(a) of this section that contain vitamins or electrolytes, if a registered nurse initiated the infusion of that same intravenous solution.	51177 51178 51179 51180
(b) Initiating or maintaining an intravenous piggyback infusion, except that a licensed practical nurse authorized by the board to perform intravenous therapy may initiate or maintain an intravenous piggyback infusion containing an antibiotic additive;	51181 51182 51183 51184
(c) Injecting medication via a direct intravenous route, except that a licensed practical nurse authorized by the board to perform intravenous therapy may inject heparin or normal saline to flush an intermittent infusion device or heparin lock including, but not limited to, bolus or push.	51185 51186 51187 51188 51189
(7) Aspirating any intravenous line to maintain patency;	51190
(8) Changing tubing on any line including, but not limited to, an arterial line or a central venous line, except that a licensed practical nurse authorized by the board to perform intravenous therapy may change tubing on an intravenous line that terminates in a peripheral vein;	51191 51192 51193 51194 51195
(9) Programming or setting any function of a patient controlled infusion pump.	51196 51197

(E) Notwithstanding division (D) of this section, at the direction of a physician or a registered nurse, a licensed practical nurse authorized by the board to perform intravenous therapy may perform the following activities for the purpose of performing dialysis:

(1) The routine administration and regulation of saline solution for the purpose of maintaining an established fluid plan;

(2) The administration of a heparin dose intravenously;

(3) The administration of a heparin dose peripherally via a fistula needle;

(4) The loading and activation of a constant infusion pump or the intermittent injection of a dose of medication prescribed by a licensed physician for dialysis.

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.

(G) The board shall issue an intravenous therapy card to the licensed practical nurses authorized pursuant to division (A) of this section to perform intravenous therapy. A fee for issuing the card shall not be charged under section 4723.08 of the Revised Code if the licensed practical nurse receives the card by meeting the requirements of division (A)(1) of this section. The board shall maintain a registry of the names of licensed practical nurses ~~authorized pursuant to division (A) of this section to perform~~ who hold intravenous therapy cards.

Sec. 4723.271. The board of nursing shall provide a replacement copy of a nursing license, certificate of authority, ~~or dialysis technician certificate,~~ or community health worker certificate issued under this chapter upon request of the holder

accompanied by proper identification as prescribed in rules 51228
adopted by the board and payment of the fee authorized under 51229
section 4723.08 of the Revised Code. 51230

Upon request of the holder of a nursing license, certificate 51231
of authority, ~~or~~ dialysis technician certificate, or community 51232
health worker certificate issued under this chapter and payment of 51233
the fee authorized under section 4723.08 of the Revised Code, the 51234
board shall verify to an agency of another jurisdiction or foreign 51235
country the fact that the person holds such nursing license, 51236
certificate of authority, ~~or~~ dialysis technician certificate, or 51237
community health worker certificate. 51238

Sec. 4723.34. (A) Reports to the board of nursing shall be 51239
made as follows: 51240

(1) Every employer of registered nurses, licensed practical 51241
nurses, or dialysis technicians shall report to the board of 51242
nursing the name of any current or former employee who holds a 51243
nursing license or dialysis technician certificate issued under 51244
this chapter who has engaged in conduct that would be grounds for 51245
disciplinary action by the board under section 4723.28 of the 51246
Revised Code. Every employer of certified community health workers 51247
shall report to the board the name of any current or former 51248
employee who holds a community health worker certificate issued 51249
under this chapter who has engaged in conduct that would be 51250
grounds for disciplinary action by the board under section 4723.86 51251
of the Revised Code. 51252

(2) Nursing associations shall report to the board the name 51253
of any registered nurse or licensed practical nurse and dialysis 51254
technician associations shall report to the board the name of any 51255
dialysis technician who has been investigated and found to 51256
constitute a danger to the public health, safety, and welfare 51257
because of conduct that would be grounds for disciplinary action 51258

by the board under section 4723.28 of the Revised Code, except 51259
that an association is not required to report the individual's 51260
name if the individual is maintaining satisfactory participation 51261
in a peer support program approved by the board under rules 51262
adopted under section 4723.07 of the Revised Code. Community 51263
health worker associations shall report to the board the name of 51264
any certified community health worker who has been investigated 51265
and found to constitute a danger to the public health, safety, and 51266
welfare because of conduct that would be grounds for disciplinary 51267
action by the board under section 4723.86 of the Revised Code, 51268
except that an association is not required to report the 51269
individual's name if the individual is maintaining satisfactory 51270
participation in a peer support program approved by the board 51271
under rules adopted under section 4723.07 of the Revised Code. 51272

(3) If the prosecutor in a case described in divisions (B)(3) 51273
to (5) of section 4723.28 of the Revised Code, or in a case where 51274
the trial court issued an order of dismissal upon technical or 51275
procedural grounds of a charge of a misdemeanor committed in the 51276
course of practice, a felony charge, or a charge of gross 51277
immorality or moral turpitude, knows or has reason to believe that 51278
the person charged is licensed under this chapter to practice 51279
nursing as a registered nurse or as a licensed practical nurse or 51280
holds a certificate issued under this chapter to practice as a 51281
dialysis technician, the prosecutor shall notify the board of 51282
nursing. With regard to certified community health workers, if the 51283
prosecutor in a case involving a charge of a misdemeanor committed 51284
in the course of employment, a felony charge, or a charge of gross 51285
immorality or moral turpitude, including a case dismissed on 51286
technical or procedural grounds, knows or has reason to believe 51287
that the person charged holds a community health worker 51288
certificate issued under this chapter, the prosecutor shall notify 51289
the board. 51290

Each notification required by this division shall be made on 51291
forms prescribed and provided by the board. The report shall 51292
include the name and address of the license or certificate holder, 51293
the charge, and the certified court documents recording the 51294
action. 51295

(B) If any person fails to provide a report required by this 51296
section, the board may seek an order from a court of competent 51297
jurisdiction compelling submission of the report. 51298

Sec. 4723.35. (A) As used in this section, "chemical 51299
dependency" means either of the following: 51300

(1) The chronic and habitual use of alcoholic beverages to 51301
the extent that the user no longer can control the use of alcohol 51302
or endangers the user's health, safety, or welfare or that of 51303
others; 51304

(2) The use of a controlled substance as defined in section 51305
3719.01 of the Revised Code, a harmful intoxicant as defined in 51306
section 2925.01 of the Revised Code, or a dangerous drug as 51307
defined in section 4729.01 of the Revised Code, to the extent that 51308
the user becomes physically or psychologically dependent on the 51309
substance, intoxicant, or drug or endangers the user's health, 51310
safety, or welfare or that of others. 51311

(B) The board of nursing may abstain from taking disciplinary 51312
action under section 4723.28 or 4723.86 of the Revised Code 51313
against an individual with a chemical dependency if it finds that 51314
the individual can be treated effectively and there is no 51315
impairment of the individual's ability to practice according to 51316
acceptable and prevailing standards of safe care. The board shall 51317
establish a chemical dependency monitoring program to monitor the 51318
registered nurses, licensed practical nurses, ~~and~~ dialysis 51319
technicians, and certified community health workers against whom 51320

the board has abstained from taking action. The board shall 51321
develop the program, select the program's name, and designate a 51322
coordinator to administer the program. 51323

(C) The board shall adopt rules in accordance with Chapter 51324
119. of the Revised Code that establish the following: 51325

(1) Eligibility requirements for admission to and continued 51326
participation in the monitoring program; 51327

(2) Terms and conditions that must be met to participate in 51328
and successfully complete the program; 51329

(3) Procedures for keeping confidential records regarding 51330
participants; 51331

(4) Any other requirements or procedures necessary to 51332
establish and administer the program. 51333

(D)(1) As a condition of being admitted to the monitoring 51334
program, an individual shall surrender to the program coordinator 51335
the license or certificate that the individual holds. While the 51336
surrender is in effect, the individual is prohibited from engaging 51337
in the practice of nursing ~~or~~, engaging in the provision of 51338
dialysis care, or engaging in the provision of services that were 51339
being provided as a certified community health worker. 51340

If the program coordinator determines that a participant is 51341
capable of resuming practice according to acceptable and 51342
prevailing standards of safe care, the coordinator shall return 51343
the participant's license or certificate. If the participant 51344
violates the terms and conditions of resumed practice, the program 51345
coordinator shall require the participant to surrender the license 51346
or certificate as a condition of continued participation in the 51347
program. The coordinator may require the surrender only on the 51348
approval of the board's supervising member for disciplinary 51349
matters. 51350

The surrender of a license or certificate on admission to the monitoring program or while participating in the program does not constitute an action by the board under section 4723.28 or 4723.86 of the Revised Code. The participant may rescind the surrender at any time and the board may proceed by taking action under section 4723.28 or 4723.86 of the Revised Code.

(2) If the program coordinator determines that a participant is significantly out of compliance with the terms and conditions for participation, the coordinator shall notify the board's supervising member for disciplinary matters and the supervising member shall temporarily suspend the participant's license or certificate. The program coordinator shall notify the participant of the suspension by certified mail sent to the participant's last known address and shall refer the matter to the board for formal action under section 4723.28 or 4723.86 of the Revised Code.

(E) All of the following apply with respect to the receipt, release, and maintenance of records and information by the monitoring program:

(1) The program coordinator shall maintain all records in the board's office for a period of five years.

(2) When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the program coordinator to receive and release information necessary for the coordinator to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the program coordinator to receive and release information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the program coordinator to determine eligibility for admission or continued participation in the monitoring program includes, but is not limited to, information

provided to and by employers, probation officers, law enforcement 51382
agencies, peer assistance programs, health professionals, and 51383
treatment providers. No entity with knowledge that the information 51384
has been provided to the monitoring program shall divulge that 51385
knowledge to any other person. 51386

(3) Except as provided in division (E)(4) of this section, 51387
all records pertaining to an individual's application for or 51388
participation in the monitoring program, including medical 51389
records, treatment records, and mental health records, shall be 51390
confidential. The records are not public records for the purposes 51391
of section 149.43 of the Revised Code and are not subject to 51392
discovery by subpoena or admissible as evidence in any judicial 51393
proceeding. 51394

(4) The program coordinator may disclose information 51395
regarding a participant's progress in the program to any person or 51396
government entity that the participant authorizes in writing to be 51397
given the information. In disclosing information under this 51398
division, the coordinator shall not include any information that 51399
is protected under section 3793.13 of the Revised Code or any 51400
federal statute or regulation that provides for the 51401
confidentiality of medical, mental health, or substance abuse 51402
records. 51403

(F) In the absence of fraud or bad faith, the program 51404
coordinator, the board of nursing, and the board's employees and 51405
representatives are not liable for damages in any civil action as 51406
a result of disclosing information in accordance with division 51407
(E)(4) of this section. In the absence of fraud or bad faith, any 51408
person reporting to the program with regard to an individual's 51409
chemical dependence, or the progress or lack of progress of that 51410
individual with regard to treatment, is not liable for damages in 51411
any civil action as a result of the report. 51412

Sec. 4723.431. (A) Except as provided in division (C)(1) of 51413
this section, a clinical nurse specialist, certified 51414
nurse-midwife, or certified nurse practitioner may practice only 51415
in accordance with a standard care arrangement entered into with 51416
each physician or podiatrist with whom the nurse collaborates. A 51417
copy of the standard care arrangement shall be retained on file at 51418
each site where the nurse practices. Prior approval of the 51419
standard care arrangement by the board of nursing is not required, 51420
but the board may periodically review it for compliance with this 51421
section. 51422

A clinical nurse specialist, certified nurse-midwife, or 51423
certified nurse practitioner may enter into a standard care 51424
arrangement with one or more collaborating physicians or 51425
podiatrists. Each physician or podiatrist must be actively engaged 51426
in direct clinical practice in this state and practicing in a 51427
specialty that is the same as or similar to the nurse's nursing 51428
specialty. If a collaborating physician or podiatrist enters into 51429
standard care arrangements with more than three nurses who hold 51430
certificates to prescribe issued under section 4723.48 of the 51431
Revised Code, the physician or podiatrist shall not collaborate at 51432
the same time with more than three of the nurses in the 51433
prescribing component of their practices. 51434

(B) A standard care arrangement shall be in writing and, 51435
except as provided in division (C)(2) of this section, shall 51436
contain all of the following: 51437

(1) Criteria for referral of a patient by the clinical nurse 51438
specialist, certified nurse-midwife, or certified nurse 51439
practitioner to a collaborating physician or podiatrist; 51440

(2) A process for the clinical nurse specialist, certified 51441
nurse-midwife, or certified nurse practitioner to obtain a 51442
consultation with a collaborating physician or podiatrist; 51443

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) A procedure for a regular review of the referrals by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to other health care professionals and the care outcomes for a random sample of all patients seen by the nurse;

(6) If the clinical nurse specialist or certified nurse practitioner regularly provides services to infants, a policy for care of infants up to age one and recommendations for collaborating physician visits for children from birth to age three;

(7) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 of the Revised Code.

(D)(1) A clinical nurse specialist who does not hold a certificate to prescribe and whose nursing specialty is mental health or psychiatric mental health, as determined by the board, is not required to enter into a standard care arrangement, but shall practice in collaboration with one or more physicians.

(2) If a clinical nurse specialist practicing in either of 51474
the specialties specified in division (C)(1) of this section holds 51475
a certificate to prescribe, the nurse shall enter into a standard 51476
care arrangement with one or more physicians. The standard care 51477
arrangement must meet the requirements of division (B) of this 51478
section, but only to the extent necessary to address the 51479
prescribing component of the nurse's practice. 51480

~~(D)~~(E) Nothing in this section prohibits a hospital from 51481
hiring a clinical nurse specialist, certified nurse-midwife, or 51482
certified nurse practitioner as an employee and negotiating 51483
standard care arrangements on behalf of the employee as necessary 51484
to meet the requirements of this section. A standard care 51485
arrangement between the hospital's employee and the employee's 51486
collaborating physician is subject to approval by the medical 51487
staff and governing body of the hospital prior to implementation 51488
of the arrangement at the hospital. 51489

Sec. 4723.63. On receipt of a notice pursuant to section 51490
3123.43 of the Revised Code, the board of nursing shall comply 51491
with sections 3123.41 to 3123.50 of the Revised Code and any 51492
applicable rules adopted under section 3123.63 of the Revised Code 51493
with respect to a nursing license ~~or~~, dialysis technician 51494
certificate, or community health worker certificate issued 51495
pursuant to this chapter. 51496

Sec. 4723.81. The board of nursing shall develop and 51497
implement a program for the certification of community health 51498
workers. The board shall begin issuing community health worker 51499
certificates under section 4723.85 of the Revised Code not later 51500
than February 1, 2005. 51501

The certification program shall reflect the board's 51502
recognition of individuals who, as community representatives, 51503

advocate for individuals and groups in the community by assisting 51504
them in accessing community health and supportive resources 51505
through the provision of such services as education, role 51506
modeling, outreach, home visits, and referrals, any of which may 51507
be targeted toward an individual, family, or entire community. The 51508
certification program also shall reflect the board's recognition 51509
of the individuals as members of the community with a unique 51510
perspective of community needs that enables them to develop 51511
culturally appropriate solutions to problems and translate the 51512
solutions into practice. 51513

The certification program does not require an individual to 51514
obtain a community health worker certificate as a means of 51515
authorizing the individual to perform any of the activities that 51516
may be performed by an individual who holds a community health 51517
worker certificate. 51518

Sec. 4723.82. (A) An individual who holds a current, valid 51519
community health worker certificate issued by the board of nursing 51520
under section 4723.85 of the Revised Code may use the title 51521
"certified community health worker" or "community health worker." 51522
When providing services within the community, the certificate 51523
holder may represent to the public that the individual is 51524
providing the services under either title. 51525

(B)(1) Holding a community health worker certificate does not 51526
authorize an individual to administer medications or perform any 51527
other activity that requires judgment based on nursing knowledge 51528
or expertise. Any activities performed by a certified community 51529
health worker that are related to nursing care shall be performed 51530
only pursuant to the delegation of a registered nurse acting in 51531
accordance with the rules for delegation adopted under this 51532
chapter. Any other health-related activities performed by a 51533
certified community health worker shall be performed only under 51534

the supervision of a health professional acting within the scope 51535
of the professional's practice. 51536

Only a registered nurse may supervise a certified community 51537
health worker when performing delegated activities related to 51538
nursing care. The registered nurse supervising a certified 51539
community health worker shall provide the supervision in 51540
accordance with the rules for delegation adopted under this 51541
chapter and the rules for supervision of community health workers 51542
adopted under section 4723.88 of the Revised Code, including the 51543
rules limiting the number of certified community health workers 51544
who may be supervised at any one time. 51545

(2) A registered nurse who delegates activities to a 51546
certified community health worker or supervises a certified 51547
community health worker in the performance of delegated activities 51548
is not liable in damages to any person or government entity in a 51549
civil action for injury, death, or loss to person or property that 51550
allegedly arises from an action or omission of the certified 51551
community health worker in performing the activities, if the 51552
registered nurse delegates the activities or provides the 51553
supervision in accordance with this chapter and the rules adopted 51554
under this chapter. 51555

Sec. 4723.83. (A) An individual seeking a community health 51556
worker certificate shall submit an application to the board of 51557
nursing on forms the board shall prescribe and furnish. The 51558
applicant shall include all information the board requires to 51559
process the application. The application shall be accompanied by 51560
the fee established in rules adopted under section 4723.88 of the 51561
Revised Code. 51562

(B) An applicant for a community health worker certificate 51563
shall submit a request to the bureau of criminal identification 51564
and investigation for a criminal records check of the applicant. 51565

The request shall be on the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, accompanied by a standard impression sheet to obtain fingerprints prescribed pursuant to division (C)(2) of that section, and accompanied by the fee prescribed pursuant to division (C)(3) of that section. On receipt of the completed form, the completed impression sheet, and the fee, the bureau shall conduct a criminal records check of the applicant. On completion of the criminal records check, the bureau shall send the results of the check to the board. The applicant shall ask the superintendent of the bureau of criminal identification and investigation to request that the federal bureau of investigation provide the superintendent with any information it has with respect to the applicant.

The results of any criminal records check conducted pursuant to a request made under this section, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:

(1) The results may be made available to any person for use in determining whether the individual who is the subject of the check should be issued a community health worker certificate.

(2) The results may be made available to the individual who is the subject of the check or that individual's representative.

Sec. 4723.84. (A) To be eligible to receive a community health worker certificate, an applicant shall meet all of the following conditions:

(1) Be eighteen years of age or older;

(2) Possess a high school diploma or the equivalent of a high school diploma, as determined by the board;

(3) Except as provided in division (B) of this section,

successfully complete a community health worker training program 51596
approved by the board under section 4723.87 of the Revised Code; 51597

(4) Have results on the criminal records check requested 51598
under section 4723.83 of the Revised Code indicating that the 51599
individual has not been convicted of, has not pleaded guilty to, 51600
and has not had a judicial finding of guilt for violating section 51601
2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 51602
2907.05, 2909.02, 2911.01, or 2911.11 of the Revised Code or a 51603
substantially similar law of another state, the United States, or 51604
another country; 51605

(5) Meet all other requirements the board specifies in rules 51606
adopted under section 4723.88 of the Revised Code. 51607

(B) In lieu of meeting the condition of completing a 51608
community health worker training program, an applicant may be 51609
issued a community health worker certificate if the individual was 51610
employed in a capacity substantially the same as a community 51611
health worker before the board implemented the certification 51612
program. To be eligible under this division, an applicant must 51613
meet the requirements specified in rules adopted by the board 51614
under section 4723.88 of the Revised Code and provide 51615
documentation from the employer attesting to the employer's belief 51616
that the applicant is competent to perform activities as a 51617
certified community health worker. 51618

Sec. 4723.85. (A) The board of nursing shall review all 51619
applications received under section 4723.83 of the Revised Code. 51620
If an applicant meets the requirements of section 4723.84 of the 51621
Revised Code, the board shall issue a community health worker 51622
certificate to the applicant. 51623

(B) A community health worker certificate issued under this 51624
section expires biennially and may be renewed in accordance with 51625
the schedule and procedures established by the board in rules 51626

adopted under section 4723.88 of the Revised Code. To be eligible 51627
for renewal, an individual must complete the continuing education 51628
requirements established by the board in rules adopted under 51629
section 4723.88 of the Revised Code and meet all other 51630
requirements for renewal, as specified in the board's rules 51631
adopted under that section. If an applicant for renewal has 51632
successfully completed the continuing education requirements and 51633
meets all other requirements for renewal, the board shall issue a 51634
renewed community health worker certificate to the applicant. 51635

Sec. 4723.86. The board of nursing, by vote of a quorum, may 51636
deny, revoke, or suspend a community health worker certificate. 51637
The board may impose one or more of the sanctions against an 51638
applicant or certificate holder for any of the reasons it 51639
specifies in rules adopted under section 4723.88 of the Revised 51640
Code. All actions to impose a sanction shall be taken in 51641
accordance with Chapter 119. of the Revised Code. 51642

Sec. 4723.87. (A) A person or government entity seeking to 51643
operate a training program that prepares individuals to become 51644
certified community health workers shall submit an application to 51645
the board of nursing on forms the board shall prescribe and 51646
furnish. The applicant shall include all information the board 51647
requires to process the application. The application shall be 51648
accompanied by the fee established in rules adopted under section 51649
4723.87 of the Revised Code. 51650

The board shall review all applications received. If an 51651
applicant meets the standards for approval established in the 51652
board's rules adopted under section 4723.88 of the Revised Code, 51653
the board shall approve the program. 51654

(B) The board's approval of a training program expires 51655
biennially and may be renewed in accordance with the schedule and 51656

procedures established by the board in rules adopted under section 51657
4723.88 of the Revised Code. 51658

(C) If an approved community health worker training program 51659
ceases to meet the standards for approval, the board shall 51660
withdraw its approval of the program, refuse to renew its approval 51661
of the program, or place the program on provisional approval. In 51662
withdrawing or refusing to renew its approval, the board shall act 51663
in accordance with Chapter 119. of the Revised Code. In placing a 51664
program on provisional approval, the board shall specify the 51665
period of time during which the provisional approval is valid. At 51666
the end of the period, the board shall reconsider whether the 51667
program meets the standards for approval. If the program meets the 51668
standards for approval, the board shall reinstate its full 51669
approval of the program or renew its approval of the program. If 51670
the program does not meet the standards for approval, the board 51671
shall proceed by withdrawing or refusing to renew its approval of 51672
the program. 51673

Sec. 4723.88. The board of nursing, in accordance with 51674
Chapter 119. of the Revised Code, shall adopt rules to administer 51675
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 51676
rules shall establish all of the following: 51677

(A) Standards and procedures for issuance of community health 51678
worker certificates; 51679

(B) Standards for evaluating the competency of an individual 51680
who applies to receive a certificate on the basis of having been 51681
employed in a capacity substantially the same as a community 51682
health worker before the board implemented the certification 51683
program; 51684

(C) Standards and procedures for renewal of community health 51685
worker certificates, including the continuing education 51686
requirements that must be met for renewal; 51687

(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time. 51688
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(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers; 51694
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(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code; 51696
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(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs. 51701
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(H) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval; 51710
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(I) Amounts for each fee that may be imposed under division (A)(25) of section 4723.08 of the Revised Code; 51714
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(J) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code. 51716
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Sec. 4729.01. As used in this chapter:	51719
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	51720 51721 51722 51723
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	51724 51725 51726 51727 51728
(1) Interpreting prescriptions;	51729
(2) Compounding or dispensing drugs and dispensing drug therapy related devices;	51730 51731
(3) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	51732 51733 51734 51735 51736
(4) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	51737 51738 51739
(5) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	51740 51741 51742 51743
(6) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	51744 51745 51746
(7) Acting pursuant to a consult agreement with a physician	51747

authorized under Chapter 4731. of the Revised Code to practice 51748
medicine and surgery or osteopathic medicine and surgery, if an 51749
agreement has been established with the physician; 51750

(8) Administering ~~by injection~~ the adult immunizations 51751
specified in section 4729.41 of the Revised Code, if the 51752
pharmacist has met the requirements of that section. 51753

(C) "Compounding" means the preparation, mixing, assembling, 51754
packaging, and labeling of one or more drugs in any of the 51755
following circumstances: 51756

(1) Pursuant to a prescription issued by a licensed health 51757
professional authorized to prescribe drugs; 51758

(2) Pursuant to the modification of a prescription made in 51759
accordance with a consult agreement; 51760

(3) As an incident to research, teaching activities, or 51761
chemical analysis; 51762

(4) In anticipation of prescription drug orders based on 51763
routine, regularly observed dispensing patterns. 51764

(D) "Consult agreement" means an agreement to manage an 51765
individual's drug therapy that has been entered into by a 51766
pharmacist and a physician authorized under Chapter 4731. of the 51767
Revised Code to practice medicine and surgery or osteopathic 51768
medicine and surgery. 51769

(E) "Drug" means: 51770

(1) Any article recognized in the United States pharmacopoeia 51771
and national formulary, or any supplement to them, intended for 51772
use in the diagnosis, cure, mitigation, treatment, or prevention 51773
of disease in humans or animals; 51774

(2) Any other article intended for use in the diagnosis, 51775
cure, mitigation, treatment, or prevention of disease in humans or 51776
animals; 51777

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	51778 51779
(4) Any article intended for use as a component of any article specified in division (C)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	51780 51781 51782 51783
(F) "Dangerous drug" means any of the following:	51784
(1) Any drug to which either of the following applies:	51785
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	51786 51787 51788 51789 51790 51791 51792
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	51793 51794
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	51795 51796 51797
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.	51798 51799 51800
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	51801 51802
(H) "Prescription" means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.	51803 51804 51805 51806
(I) "Licensed health professional authorized to prescribe	51807

drugs" or "prescriber" means an individual who is authorized by 51808
law to prescribe drugs or dangerous drugs or drug therapy related 51809
devices in the course of the individual's professional practice, 51810
including only the following: 51811

(1) A dentist licensed under Chapter 4715. of the Revised 51812
Code; 51813

(2) Until January 17, 2000, an advanced practice nurse 51814
approved under section 4723.56 of the Revised Code to prescribe 51815
drugs and therapeutic devices; 51816

(3) A clinical nurse specialist, certified nurse-midwife, or 51817
certified nurse practitioner who holds a certificate to prescribe 51818
issued under section 4723.48 of the Revised Code; 51819

(4) An optometrist licensed under Chapter 4725. of the 51820
Revised Code to practice optometry under a therapeutic 51821
pharmaceutical agents certificate; 51822

(5) A physician authorized under Chapter 4731. of the Revised 51823
Code to practice medicine and surgery, osteopathic medicine and 51824
surgery, or podiatry; 51825

(6) A veterinarian licensed under Chapter 4741. of the 51826
Revised Code. 51827

(J) "Sale" and "sell" include delivery, transfer, barter, 51828
exchange, or gift, or offer therefor, and each such transaction 51829
made by any person, whether as principal proprietor, agent, or 51830
employee. 51831

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 51832
which the purpose of the purchaser is to resell the article 51833
purchased or received by the purchaser. 51834

(L) "Retail sale" and "sale at retail" mean any sale other 51835
than a wholesale sale or sale at wholesale. 51836

(M) "Retail seller" means any person that sells any dangerous 51837

drug to consumers without assuming control over and responsibility 51838
for its administration. Mere advice or instructions regarding 51839
administration do not constitute control or establish 51840
responsibility. 51841

(N) "Price information" means the price charged for a 51842
prescription for a particular drug product and, in an easily 51843
understandable manner, all of the following: 51844

(1) The proprietary name of the drug product; 51845

(2) The established (generic) name of the drug product; 51846

(3) The strength of the drug product if the product contains 51847
a single active ingredient or if the drug product contains more 51848
than one active ingredient and a relevant strength can be 51849
associated with the product without indicating each active 51850
ingredient. The established name and quantity of each active 51851
ingredient are required if such a relevant strength cannot be so 51852
associated with a drug product containing more than one 51853
ingredient. 51854

(4) The dosage form; 51855

(5) The price charged for a specific quantity of the drug 51856
product. The stated price shall include all charges to the 51857
consumer, including, but not limited to, the cost of the drug 51858
product, professional fees, handling fees, if any, and a statement 51859
identifying professional services routinely furnished by the 51860
pharmacy. Any mailing fees and delivery fees may be stated 51861
separately without repetition. The information shall not be false 51862
or misleading. 51863

(O) "Wholesale distributor of dangerous drugs" means a person 51864
engaged in the sale of dangerous drugs at wholesale and includes 51865
any agent or employee of such a person authorized by the person to 51866
engage in the sale of dangerous drugs at wholesale. 51867

(P) "Manufacturer of dangerous drugs" means a person, other than a pharmacist, who manufactures dangerous drugs and who is engaged in the sale of those dangerous drugs within this state.

(Q) "Terminal distributor of dangerous drugs" means a person who is engaged in the sale of dangerous drugs at retail, or any person, other than a wholesale distributor or a pharmacist, who has possession, custody, or control of dangerous drugs for any purpose other than for that person's own use and consumption, and includes pharmacies, hospitals, nursing homes, and laboratories and all other persons who procure dangerous drugs for sale or other distribution by or under the supervision of a pharmacist or licensed health professional authorized to prescribe drugs.

(R) "Promote to the public" means disseminating a representation to the public in any manner or by any means, other than by labeling, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase of a dangerous drug at retail.

(S) "Person" includes any individual, partnership, association, limited liability company, or corporation, the state, any political subdivision of the state, and any district, department, or agency of the state or its political subdivisions.

(T) "Finished dosage form" has the same meaning as in section 3715.01 of the Revised Code.

(U) "Generically equivalent drug" has the same meaning as in section 3715.01 of the Revised Code.

(V) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code.

(W) "Food" has the same meaning as in section 3715.01 of the

Revised Code.	51898
Sec. 4729.41. (A) A pharmacist licensed under this chapter	51899
who meets the requirements of division (B) of this section may	51900
administer, by injection, adult immunizations for any of the	51901
following:	51902
(1) Influenza;	51903
(2) Pneumonia;	51904
(3) Tetanus;	51905
(4) Hepatitis A;	51906
(5) Hepatitis B.	51907
(B) To be authorized to administer the adult immunizations	51908
specified in division (A) of this section, a pharmacist shall do	51909
all of the following:	51910
(1) Successfully complete a course in the administration of	51911
adult immunizations that has been approved by the state board of	51912
pharmacy as meeting the standards established for such courses by	51913
the centers for disease control and prevention in the public	51914
health service of the United States department of health and human	51915
services;	51916
(2) Receive and maintain certification to perform basic	51917
life-support procedures by successfully completing a basic	51918
life-support training course certified by the American red cross	51919
or American heart association;	51920
(3) Practice in accordance with a definitive set of treatment	51921
guidelines specified in a protocol established by a physician and	51922
approved by the state board of pharmacy. The protocol shall	51923
include provisions requiring that the pharmacist do both of the	51924
following:	51925
(a) Observe an individual who has been immunized by the	51926

pharmacist to determine whether the individual has an adverse 51927
reaction to the immunization. The length of time and location of 51928
the observation shall be specified in rules adopted by the state 51929
board of pharmacy under division (D) of this section. 51930

(b) Not later than thirty days after administering an adult 51931
immunization to an individual, notify the individual's family 51932
physician or, if the individual has no family physician, the board 51933
of health of the health district in which the individual resides. 51934

(C) No pharmacist shall do either of the following: 51935

(1) Engage in the administration of adult immunizations by 51936
injection unless the requirements of division (B) of this section 51937
have been met; 51938

(2) Delegate to any person the pharmacist's authority to 51939
administer adult immunizations. 51940

(D) The state board of pharmacy shall adopt rules to 51941
implement this section, including rules for approval of courses in 51942
administration of adult immunizations and approval of protocols to 51943
be followed by pharmacists in administering adult immunizations. 51944
Prior to adopting the rules regarding approval of protocols, the 51945
state board of pharmacy shall consult with the state medical board 51946
and the board of nursing. The rules shall be adopted in accordance 51947
with Chapter 119. of the Revised Code. 51948

Sec. 4731.27. (A) As used in this section, "collaboration," 51949
"physician," "standard care arrangement," and "supervision" have 51950
the same meanings as in section 4723.01 of the Revised Code. 51951

(B) Except as provided in division ~~(C)~~(D)(1) of section 51952
4723.431 of the Revised Code, a physician or podiatrist shall 51953
enter into a standard care arrangement with each clinical nurse 51954
specialist, certified nurse-midwife, or certified nurse 51955
practitioner with whom the physician or podiatrist is in 51956

collaboration. The collaborating physician or podiatrist shall 51957
fulfill the responsibilities of collaboration, as specified in the 51958
arrangement and in accordance with division (A) of section 51959
4723.431 of the Revised Code. A copy of the standard care 51960
arrangement shall be retained on file at each site where the nurse 51961
practices. Prior approval of the standard care arrangement by the 51962
state medical board is not required, but the board may 51963
periodically review it. 51964

Nothing in this division prohibits a hospital from hiring a 51965
clinical nurse specialist, certified nurse-midwife, or certified 51966
nurse practitioner as an employee and negotiating standard care 51967
arrangements on behalf of the employee as necessary to meet the 51968
requirements of this section. A standard care arrangement between 51969
the hospital's employee and the employee's collaborating physician 51970
is subject to approval by the medical staff and governing body of 51971
the hospital prior to implementation of the arrangement at the 51972
hospital. 51973

(C) With respect to a clinical nurse specialist, certified 51974
nurse-midwife, or certified nurse practitioner participating in an 51975
externship pursuant to an initial certificate to prescribe issued 51976
under section 4723.48 of the Revised Code, the physician 51977
responsible for evaluating the externship shall provide the state 51978
medical board with the name of the nurse. If the externship is 51979
terminated for any reason, the physician shall notify the board. 51980

(D) A physician or podiatrist shall cooperate with the board 51981
of nursing in any investigation the board conducts with respect to 51982
a clinical nurse specialist, certified nurse-midwife, or certified 51983
nurse practitioner who collaborates with the physician or 51984
podiatrist or with respect to a certified registered nurse 51985
anesthetist who practices with the supervision of the physician or 51986
podiatrist. 51987

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the	51988
Revised Code:	51989
(A)(1) "Clinical laboratory services" means either of the	51990
following:	51991
(a) Any examination of materials derived from the human body	51992
for the purpose of providing information for the diagnosis,	51993
prevention, or treatment of any disease or impairment or for the	51994
assessment of health;	51995
(b) Procedures to determine, measure, or otherwise describe	51996
the presence or absence of various substances or organisms in the	51997
body.	51998
(2) "Clinical laboratory services" does not include the mere	51999
collection or preparation of specimens.	52000
(B) "Designated health services" means any of the following:	52001
(1) Clinical laboratory services;	52002
(2) Home health care services;	52003
(3) Outpatient prescription drugs.	52004
(C) "Fair market value" means the value in arms-length	52005
transactions, consistent with general market value and:	52006
(1) With respect to rentals or leases, the value of rental	52007
property for general commercial purposes, not taking into account	52008
its intended use;	52009
(2) With respect to a lease of space, not adjusted to reflect	52010
the additional value the prospective lessee or lessor would	52011
attribute to the proximity or convenience to the lessor if the	52012
lessor is a potential source of referrals to the lessee.	52013
(D) "Governmental health care program" means any program	52014
providing health care benefits that is administered by the federal	52015

government, this state, or a political subdivision of this state, 52016
including the medicare program established under Title XVIII of 52017
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 52018
as amended, health care coverage for public employees, health care 52019
benefits administered by the bureau of workers' compensation, the 52020
medical assistance program established under Chapter 5111. of the 52021
Revised Code, and the disability ~~assistance~~ medical assistance 52022
program established under Chapter 5115. of the Revised Code. 52023

(E)(1) "Group practice" means a group of two or more holders 52024
of certificates under this chapter legally organized as a 52025
partnership, professional corporation or association, limited 52026
liability company, foundation, nonprofit corporation, faculty 52027
practice plan, or similar group practice entity, including an 52028
organization comprised of a nonprofit medical clinic that 52029
contracts with a professional corporation or association of 52030
physicians to provide medical services exclusively to patients of 52031
the clinic in order to comply with section 1701.03 of the Revised 52032
Code and including a corporation, limited liability company, 52033
partnership, or professional association described in division (B) 52034
of section 4731.226 of the Revised Code formed for the purpose of 52035
providing a combination of the professional services of 52036
optometrists who are licensed, certificated, or otherwise legally 52037
authorized to practice optometry under Chapter 4725. of the 52038
Revised Code, chiropractors who are licensed, certificated, or 52039
otherwise legally authorized to practice chiropractic under 52040
Chapter 4734. of the Revised Code, psychologists who are licensed, 52041
certificated, or otherwise legally authorized to practice 52042
psychology under Chapter 4732. of the Revised Code, registered or 52043
licensed practical nurses who are licensed, certificated, or 52044
otherwise legally authorized to practice nursing under Chapter 52045
4723. of the Revised Code, pharmacists who are licensed, 52046
certificated, or otherwise legally authorized to practice pharmacy 52047
under Chapter 4729. of the Revised Code, physical therapists who 52048

are licensed, certificated, or otherwise legally authorized to 52049
practice physical therapy under sections 4755.40 to 4755.53 of the 52050
Revised Code, mechanotherapists who are licensed, certificated, or 52051
otherwise legally authorized to practice mechanotherapy under 52052
section 4731.151 of the Revised Code, and doctors of medicine and 52053
surgery, osteopathic medicine and surgery, or podiatric medicine 52054
and surgery who are licensed, certificated, or otherwise legally 52055
authorized for their respective practices under this chapter, to 52056
which all of the following apply: 52057

(a) Each physician who is a member of the group practice 52058
provides substantially the full range of services that the 52059
physician routinely provides, including medical care, 52060
consultation, diagnosis, or treatment, through the joint use of 52061
shared office space, facilities, equipment, and personnel. 52062

(b) Substantially all of the services of the members of the 52063
group are provided through the group and are billed in the name of 52064
the group and amounts so received are treated as receipts of the 52065
group. 52066

(c) The overhead expenses of and the income from the practice 52067
are distributed in accordance with methods previously determined 52068
by members of the group. 52069

(d) The group practice meets any other requirements that the 52070
state medical board applies in rules adopted under section 4731.70 52071
of the Revised Code. 52072

(2) In the case of a faculty practice plan associated with a 52073
hospital with a medical residency training program in which 52074
physician members may provide a variety of specialty services and 52075
provide professional services both within and outside the group, 52076
as well as perform other tasks such as research, the criteria in 52077
division (E)(1) of this section apply only with respect to 52078
services rendered within the faculty practice plan. 52079

(F) "Home health care services" and "immediate family" have 52080
the same meanings as in the rules adopted under section 4731.70 of 52081
the Revised Code. 52082

(G) "Hospital" has the same meaning as in section 3727.01 of 52083
the Revised Code. 52084

(H) A "referral" includes both of the following: 52085

(1) A request by a holder of a certificate under this chapter 52086
for an item or service, including a request for a consultation 52087
with another physician and any test or procedure ordered by or to 52088
be performed by or under the supervision of the other physician; 52089

(2) A request for or establishment of a plan of care by a 52090
certificate holder that includes the provision of designated 52091
health services. 52092

(I) "Third-party payer" has the same meaning as in section 52093
3901.38 of the Revised Code. 52094

Sec. 4731.71. The auditor of state may implement procedures 52095
to detect violations of section 4731.66 or 4731.69 of the Revised 52096
Code within governmental health care programs administered by the 52097
state. The auditor of state shall report any violation of either 52098
section to the state medical board and shall certify to the 52099
attorney general in accordance with section 131.02 of the Revised 52100
Code the amount of any refund owed to a state-administered 52101
governmental health care program under section 4731.69 of the 52102
Revised Code as a result of a violation. If a refund is owed to 52103
the medical assistance program established under Chapter 5111. of 52104
the Revised Code or the disability ~~assistance~~ medical assistance 52105
program established under Chapter 5115. of the Revised Code, the 52106
auditor of state also shall report the amount to the department of 52107
commerce. 52108

The state medical board also may implement procedures to 52109

detect violations of section 4731.66 or 4731.69 of the Revised Code. 52110
52111

Sec. 4734.15. (A) The license provided for in this chapter shall entitle the holder thereof to practice chiropractic in this state. All of the following apply to the practice of chiropractic in this state: 52112
52113
52114
52115

(1) A chiropractor is authorized to examine, diagnose, and assume responsibility for the care of patients, any or all of which is included in the practice of chiropractic. 52116
52117
52118

(2) The practice of chiropractic does not permit the chiropractor to treat infectious, contagious, or venereal disease, to perform surgery or acupuncture, or to prescribe or administer drugs for treatment. 52119
52120
52121
52122

(3) A chiropractor may use roentgen rays only for diagnostic purposes. 52123
52124

(4) The practice of chiropractic does not include the performance of abortions. 52125
52126

(B) An individual holding a valid, current license to practice chiropractic is entitled to use the title "doctor," "doctor of chiropractic," "chiropractic physician," or "chiropractic" and is a "physician" for the purposes of Chapter 4123. of the Revised Code ~~and the medicaid program operated pursuant to Chapter 5111. of the Revised Code.~~ 52127
52128
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52132

Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees: 52133
52134

(1) To apply as a sanitarian-in-training, ~~fifty-seven~~ seventy-five dollars; 52135
52136

(2) For sanitarians-in-training to apply for registration as sanitarians, ~~fifty-seven~~ seventy-five dollars. The applicant shall 52137
52138

pay this fee only once regardless of the number of times the 52139
applicant takes an examination required under section 4736.08 of 52140
the Revised Code. 52141

(3) For persons other than sanitarians-in-training to apply 52142
for registration as sanitarians, including persons meeting the 52143
requirements of section 4736.16 of the Revised Code, one hundred 52144
~~fourteen~~ fifty dollars. The applicant shall pay this fee only once 52145
regardless of the number of times the applicant takes an 52146
examination required under section 4736.08 of the Revised Code. 52147

(4) The renewal fee for registered sanitarians shall be ~~fixed~~ 52148
~~by the board and shall not exceed sixty one~~ sixty-nine dollars. 52149

(5) The renewal fee for sanitarians-in-training shall be 52150
~~fixed by the board and shall not exceed sixty one~~ sixty-nine 52151
dollars. 52152

(6) For late application for renewal, twenty-five dollars. 52153

The board of sanitarian registration, with the approval of 52154
the controlling board, may establish fees in excess of the amounts 52155
provided in this section, provided that such fees do not exceed 52156
the amounts permitted by this section by more than fifty per cent. 52157

(B) The board of sanitarian registration shall charge 52158
separate fees for examinations as required by section 4736.08 of 52159
the Revised Code, provided that the fees are not in excess of the 52160
actual cost to the board of conducting the examinations. 52161

(C) The board of sanitarian registration may adopt rules 52162
establishing fees for all of the following: 52163

(1) Application for the registration of a training agency 52164
approved under rules adopted by the board pursuant to section 52165
4736.11 of the Revised Code and for the annual registration 52166
renewal of an approved training agency. 52167

(2) Application for the review of continuing education hours 52168

submitted for the board's approval by approved training agencies 52169
or by registered sanitarians or sanitarians-in-training. 52170

Sec. 4743.05. Except as otherwise provided in sections 52171
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 52172
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 52173
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 52174
4741., 4753., 4755., 4757., 4758., 4759., ~~and 4761., 4771., and~~ 52175
4779. of the Revised Code, ~~and until December 31, 2004, money~~ 52176
~~collected under Chapter 4779. of the Revised Code,~~ shall be paid 52177
into the state treasury to the credit of the occupational 52178
licensing and regulatory fund, which is hereby created for use in 52179
administering such chapters. 52180

At the end of each quarter, the director of budget and 52181
management shall transfer from the occupational licensing and 52182
regulatory fund to the nurse education assistance fund created in 52183
section 3333.28 of the Revised Code the amount certified to the 52184
director under division (B) of section 4723.08 of the Revised 52185
Code. 52186

At the end of each quarter, the director shall transfer from 52187
the occupational licensing and regulatory fund to the certified 52188
public accountant education assistance fund created in section 52189
4701.26 of the Revised Code the amount certified to the director 52190
under division (H)(2) of section 4701.10 of the Revised Code. 52191

Sec. 4747.05. (A) The hearing aid dealers and fitters 52192
licensing board shall issue to each applicant, within sixty days 52193
of receipt of a properly completed application and payment of two 52194
hundred ~~fifty~~ sixty-two dollars, a hearing aid dealer's or 52195
fitter's license if the applicant, if an individual: 52196

(1) Is at least eighteen years of age; 52197

(2) Is a person of good moral character; 52198

(3) Is free of contagious or infectious disease; 52199

(4) Has successfully passed a qualifying examination 52200
specified and administered by the board. 52201

(B) If the applicant is a firm, partnership, association, or 52202
corporation, the application, in addition to such information as 52203
the board requires, shall be accompanied by an application for a 52204
license for each person, whether owner or employee, of the firm, 52205
partnership, association, or corporation, who engages in dealing 52206
in or fitting of hearing aids, or shall contain a statement that 52207
such applications are submitted separately. No firm, partnership, 52208
association, or corporation licensed pursuant to this chapter 52209
shall permit any unlicensed person to sell or fit hearing aids. 52210

(C) Each license issued expires on the thirtieth day of 52211
January of the year following that in which it was issued. 52212

Sec. 4747.06. (A) Each person engaged in the practice of 52213
dealing in or fitting of hearing aids who holds a valid hearing 52214
aid dealer's or fitter's license shall apply annually to the 52215
hearing aid dealers and fitters licensing board for renewal of 52216
such license under the standard renewal procedure specified in 52217
Chapter 4745. of the Revised Code. The board shall issue to each 52218
applicant, on proof of completion of the continuing education 52219
required by division (B) of this section and payment of one 52220
hundred ~~fifty~~ fifty-seven dollars on or before the first day of 52221
February, one hundred ~~seventy-five~~ eighty-three dollars on or 52222
before the first day of March, or two hundred ten dollars 52223
thereafter, a renewed hearing aid dealer's or fitter's license. No 52224
person who applies for renewal of a hearing aid dealer's or 52225
fitter's license that has expired shall be required to take any 52226
examination as a condition of renewal provided application for 52227
renewal is made within two years of the date such license expired. 52228

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

- (1) The national institute of hearing instruments studies committee of the international hearing society;
- (2) The American speech-language hearing association;
- (3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

Sec. 4747.07. Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in the person's office or place of business at all times. Each person who maintains more than one office or place of business shall post a duplicate copy of the license at each

location. The hearing aid dealers and fitters licensing board 52259
shall issue duplicate copies of a license upon receipt of a 52260
properly completed application and payment of ~~fifteen~~ sixteen 52261
dollars for each copy requested. 52262

Sec. 4747.10. Each person currently engaged in training to 52263
become a licensed hearing aid dealer or fitter shall apply to the 52264
hearing aid dealers and fitters licensing board for a hearing aid 52265
dealer's and fitter's trainee permit. The board shall issue to 52266
each applicant within thirty days of receipt of a properly 52267
completed application and payment of one hundred fifty dollars, a 52268
trainee permit if such applicant is: 52269

(A) At least eighteen years of age; 52270

(B) The holder of a diploma from an accredited high school, 52271
or possesses an equivalent education; 52272

(C) A person of good moral character; 52273

(D) Free of contagious or infectious disease. 52274

Each trainee permit issued by the board expires one year from 52275
the date it was first issued, and may be renewed once if the 52276
trainee has not successfully completed the qualifying requirements 52277
for licensing as a hearing aid dealer or fitter before the 52278
expiration date of such permit. The board shall issue a renewed 52279
permit to each applicant upon receipt of a properly completed 52280
application and payment of one hundred five dollars. No person 52281
holding a trainee permit shall engage in the practice of dealing 52282
in or fitting of hearing aids except while under supervision by a 52283
licensed hearing aid dealer or fitter. 52284

Sec. 4751.06. (A) An applicant for licensure as a nursing 52285
home administrator who has successfully completed the requirements 52286
of section 4751.05 of the Revised Code, passed the examination 52287
administered by the board of examiners of nursing home 52288

administrators or a government or private entity under contract 52289
with the board, and paid to the board an original license fee of 52290
two hundred ~~ten~~ fifty dollars shall be issued a license on a form 52291
provided by the board. Such license shall certify that the 52292
applicant has met the licensure requirements of Chapter 4751. of 52293
the Revised Code and is entitled to practice as a licensed nursing 52294
home administrator. 52295

(B) A temporary license for a period not to exceed one 52296
hundred eighty days may be issued to an individual temporarily 52297
filling the position of a nursing home administrator vacated by 52298
reason of death, illness, or other unexpected cause, pursuant to 52299
regulations adopted by the board. 52300

(C) The fee for a temporary license is one hundred dollars. 52301
Said fee must accompany the application for the temporary license. 52302

(D) Any license or temporary license issued by the board 52303
pursuant to this section shall be under the hand of the 52304
chairperson and the secretary of the board. 52305

(E) A duplicate of the original certificate of registration 52306
or license may be secured to replace one that has been lost or 52307
destroyed by submitting to the board a notarized statement 52308
explaining the conditions of the loss, mutilation, or destruction 52309
of the certificate or license and by paying a fee of twenty-five 52310
dollars. 52311

(F) A duplicate certificate of registration and license may 52312
be issued in the event of a legal change of name by submitting to 52313
the board a certified copy of the court order or marriage license 52314
establishing the change of name, by returning at the same time the 52315
original license and certificate of registration, and by paying a 52316
fee of twenty-five dollars. 52317

Sec. 4751.07. (A) Every individual who holds a valid license 52318

as a nursing home administrator issued under division (A) of 52319
section 4751.06 of the Revised Code, shall immediately upon 52320
issuance thereof be registered with the board of examiners of 52321
nursing home administrators and be issued a certificate of 52322
registration. Such individual shall annually apply to the board 52323
for a new certificate of registration on forms provided for such 52324
purpose prior to the expiration of the certificate of registration 52325
and shall at the same time submit satisfactory evidence to the 52326
board of having attended such continuing education programs or 52327
courses of study as may be prescribed in rules adopted by the 52328
board. 52329

(B) Upon making an application for a new certificate of 52330
registration such individual shall pay the annual registration fee 52331
of two hundred ~~ten~~ fifty dollars. 52332

(C) Upon receipt of such application for registration and the 52333
registration fee required by divisions (A) and (B) of this 52334
section, the board shall issue a certificate of registration to 52335
such nursing home administrator. 52336

(D) The license of a nursing home administrator who fails to 52337
comply with this section shall automatically lapse. 52338

(E) A nursing home administrator who has been licensed and 52339
registered in this state who determines to temporarily abandon the 52340
practice of nursing home administration shall notify the board in 52341
writing immediately; provided, that such individual may thereafter 52342
register to resume the practice of nursing home administration 52343
within the state upon complying with the requirements of this 52344
section regarding annual registration. 52345

(F) Only an individual who has qualified as a licensed and 52346
registered nursing home administrator under Chapter 4751. of the 52347
Revised Code and the rules adopted thereunder, and who holds a 52348
valid current registration certificate pursuant to this section, 52349

may use the title "nursing home administrator," or the 52350
abbreviation "N.H.A." after the individual's name. No other person 52351
shall use such title or such abbreviation or any other words, 52352
letters, sign, card, or device tending to indicate or to imply 52353
that the person is a licensed and registered nursing home 52354
administrator. 52355

(G) Every person holding a valid license entitling the person 52356
to practice nursing home administration in this state shall 52357
display said license in the nursing home which is the person's 52358
principal place of employment, and while engaged in the practice 52359
of nursing home administration shall have at hand the current 52360
registration certificate. 52361

(H) Every person holding a valid temporary license shall have 52362
such license at hand while engaged in the practice of nursing home 52363
administration. 52364

Sec. 4759.08. (A) The Ohio board of dietetics shall charge 52365
and collect fees as described in this section for issuing the 52366
following: 52367

(1) An application for an initial dietitian license, or an 52368
application for ~~reinstatement~~ reactivation of an inactive license, 52369
one hundred ~~ten~~ twenty-five dollars, and for reinstatement of a 52370
lapsed, revoked, or suspended license, one hundred ~~sixty-five~~ 52371
eighty dollars; 52372

(2) License renewal, ~~eighty~~ ninety-five dollars; 52373

(3) A limited permit, and renewal of the permit, ~~fifty-five~~ 52374
sixty-five dollars; 52375

(4) A duplicate license or permit, twenty dollars; 52376

(5) For processing a late application for renewal of any 52377
license or permit, an additional fee equal to fifty per cent of 52378
the fee for the renewal. 52379

(B) The board shall not require a licensed dietitian holding an inactive license to pay the renewal fee. 52380
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(C) Subject to the approval of the controlling board, the Ohio board of dietetics may establish fees in excess of the amounts provided in division (A) of this section, provided that the fees do not exceed the amounts by greater than fifty per cent. 52382
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(D) The board may adopt rules pursuant to Chapter 119. of the Revised Code to waive all or part of the fee for an initial license if the license is issued within one hundred days of the date of expiration of the license. 52386
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(E) All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the chairperson or secretary of the board, or both, as authorized by the board. 52390
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Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the ~~athlete agents registration~~ occupational licensing and regulatory fund, which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter under section 4743.05 of the Revised Code. 52395
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Sec. 4779.08. (A) The state board of orthotics, prosthetics, and pedorthics shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing all of the following: 52401
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(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal; 52405
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(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing 52407
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other entities that conduct examinations;	52409
(3) The form, scoring, and scheduling of licensing examinations;	52410 52411
(4) Fees for examinations and applications for licensure and license renewal;	52412 52413
(5) Fees for approval of continuing education courses;	52414
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	52415 52416
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	52417 52418
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	52419 52420
(9) Fines for violations of this chapter;	52421
(10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	52422 52423 52424
(11) Standards for continuing education programs required for license renewal;	52425 52426
(12) Provisions for making available the information described in section 4779.22 of the Revised Code.	52427 52428
(B) The board may adopt any other rules necessary for the administration of this chapter.	52429 52430
(C) The fees prescribed by this section shall be paid to the treasurer of state, who shall from the effective date of this section until December 31, 2004, deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.	52431 52432 52433 52434 52435
Sec. 4779.17. The state board of orthotics, prosthetics, and	52436

pedorthics shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics without examination to an applicant who meets all of the following requirements:

(A) Applies to the board in accordance with section 4779.09 of the Revised Code;

(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;

(C) One of the following applies:

(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.10 of the Revised Code.

(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.11 of the Revised Code.

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A)(2) and (3) of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) The fees prescribed by this section shall be paid to the treasurer of state, who shall ~~from the effective date of this section until December 31, 2004,~~ deposit the fees in the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

Sec. 4779.18. (A) The state board of orthotics, prosthetics, and pedorthics shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted	52467
under section 4779.08 of the Revised Code and pays the application	52468
fee specified in the rules;	52469
(2) Is eighteen years of age or older;	52470
(3) Is of good moral character;	52471
(4) One of the following applies:	52472
(a) In the case of an applicant for a license to practice	52473
orthotics, the applicant meets the requirements in divisions	52474
(A)(2) and (3) of section 4779.10 of the Revised Code.	52475
(b) In the case of an applicant for a license to practice	52476
prosthetics, the applicant meets the requirements in divisions	52477
(A)(2) and (3) of section 4779.11 of the Revised Code.	52478
(c) In the case of an applicant for a license to practice	52479
orthotics and prosthetics, the applicant meets the requirements in	52480
divisions (A)(2) and (3) of section 4779.12 of the Revised Code.	52481
(d) In the case of an applicant for a license to practice	52482
pedorthics, the applicant meets the requirements in divisions (B)	52483
and (C) of section 4779.13 of the Revised Code.	52484
(B) A temporary license issued under this section is valid	52485
for one year and may be renewed once in accordance with rules	52486
adopted by the board under section 4779.08 of the Revised Code.	52487
An individual who holds a temporary license may practice	52488
orthotics, prosthetics, orthotics and prosthetics, or pedorthics	52489
only under the supervision of an individual who holds a license	52490
issued under section 4779.09 of the Revised Code in the same area	52491
of practice.	52492
(C) The fees prescribed by this section shall be paid to the	52493
treasurer of state, who shall from the effective date of this	52494
section until December 31, 2004, deposit the fees in the	52495
occupational licensing and regulatory fund established in section	52496

4743.05 of the Revised Code. 52497

Sec. 4903.24. If the public utilities commission finds after 52498
investigating that any rate, joint rate, fare, charge, toll, 52499
rental, schedule, or classification of service is unjust, 52500
unreasonable, insufficient, unjustly discriminatory, unjustly 52501
preferential, or in violation of law, or that any service is 52502
inadequate or cannot be obtained, the public utility found to be 52503
at fault shall pay the expenses incurred by the commission upon 52504
such investigation. 52505

All fees, expenses, and costs of, or in connection with, any 52506
hearing or investigation may be imposed by the commission upon any 52507
party to the record or may be divided among any parties to the 52508
record in such proportion as the commission determines. 52509

All fees, expenses, and costs authorized and collected under 52510
this section shall be deposited to the credit of the special 52511
assessment fund, which is hereby created in the state treasury. 52512
Money in the fund shall be used by the commission for the purpose 52513
of covering the costs of any investigations or hearings it orders 52514
regarding any public utility. 52515

Sec. 4905.79. Any telephone company, as defined in ~~division~~ 52516
~~(D)(2)~~ of section 5727.01 of the Revised Code, that is required to 52517
provide any telephone service program implemented after March 27, 52518
1991, to aid the communicatively impaired in accessing the 52519
telephone network shall be allowed a tax credit for the costs of 52520
any such program under section ~~5727.44~~ 5733.56 of the Revised 52521
Code. Relative to any such program, the public utilities 52522
commission, in accordance with its rules, shall allow interested 52523
parties to intervene and participate in any proceeding or part of 52524
a proceeding brought before the commission pursuant to this 52525
section. The commission shall adopt rules it considers necessary 52526

to carry out this section.	52527
Sec. 4905.91. For the purpose of protecting the public safety	52528
with respect to intrastate pipe-line transportation by any	52529
operator:	52530
(A) The public utilities commission shall:	52531
(1) Adopt, and may amend or rescind, rules to carry out	52532
sections 4905.90 to 4905.96 of the Revised Code, including rules	52533
concerning pipe-line safety, drug testing, and enforcement	52534
procedures. The commission shall adopt these rules only after	52535
notice and opportunity for public comment. The rules adopted under	52536
this division and any orders issued under sections 4905.90 to	52537
4905.96 of the Revised Code constitute the pipe-line safety code.	52538
The commission shall administer and enforce that code.	52539
(2) Make certifications and reports to the United States	52540
department of transportation as required under the Natural Gas	52541
Pipeline Safety Act.	52542
(B) The commission may:	52543
(1) Investigate any service, act, practice, policy, or	52544
omission by any operator to determine its compliance with sections	52545
4905.90 to 4905.96 of the Revised Code and the pipe-line safety	52546
code;	52547
(2) Investigate any intrastate pipe-line transportation	52548
facility to determine if it is hazardous to life or property, as	52549
provided in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1679b(b)(2) and	52550
(3);	52551
(3) Investigate the existence or report of any safety-related	52552
condition that involves any intrastate pipe-line transportation	52553
facility;	52554
(4) Enter into and perform contracts or agreements with the	52555
United States department of transportation to inspect interstate	52556

transmission facilities pursuant to the Natural Gas Pipeline Safety Act; 52557
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(5) Accept grants-in-aid, ~~funds~~ cash, and reimbursements 52559
provided for or made available to this state by the federal 52560
government to carry out the Natural Gas Pipeline Safety Act or to 52561
enforce sections 4905.90 to 4905.96 of the Revised Code and the 52562
pipe-line safety code. All such grants-in-aid, cash, and 52563
reimbursements shall be deposited to the credit of the gas 52564
pipe-line safety fund, which is hereby created in the state 52565
treasury, to be used by the commission for the purpose of carrying 52566
out this section. 52567

(C) The commission's regulation of gathering lines shall 52568
conform to the regulation of gathering lines in 49 C.F.R. ~~parts~~ 52569
192 and 199, as amended, and the commission's annual certification 52570
agreements with the United States department of transportation, 52571
except that rule 4901:1-16-03, paragraph (D) of rule 4901:1-16-05, 52572
and rule 4901:1-16-06 of the Ohio Administrative Code shall also 52573
apply to gathering lines. The procedural rules under chapter 52574
4901:1-16 of the Ohio Administrative Code shall also apply to 52575
operators of gathering lines. 52576

Sec. 4919.79. (A) The public utilities commission may adopt 52577
safety rules applicable to the highway transportation and offering 52578
for transportation of hazardous materials in interstate commerce, 52579
which highway transportation takes place into or through this 52580
state. 52581

(B) The commission may adopt safety rules applicable to the 52582
highway transportation of persons or property in interstate 52583
commerce, which transportation takes place into or through this 52584
state. 52585

(C) Rules adopted under divisions (A) and (B) of this section 52586
shall be consistent with, and equivalent in scope, coverage, and 52587

content to, the "Hazardous Materials Transportation Act," 88 Stat. 52588
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 52589
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 52590
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 52591
respectively. No person shall violate a rule adopted under 52592
division (A) or (B) of this section or any order of the commission 52593
issued to secure compliance with any such rule. 52594

(D) The commission shall cooperate with, and permit the use 52595
of, the services, records, and facilities of the commission as 52596
fully as practicable by appropriate officers of the interstate 52597
commerce commission, the United States department of 52598
transportation, and other federal agencies or commissions and 52599
appropriate commissions of other states in the enforcement and 52600
administration of state and federal laws relating to highway 52601
transportation by motor vehicles. The commission may enter into 52602
cooperative agreements with the interstate commerce commission, 52603
the United States department of transportation, and any other 52604
federal agency or commission to enforce the economic and safety 52605
laws and rules of this state and of the United States concerning 52606
highway transportation by motor vehicles. All grants-in-aid, cash, 52607
and reimbursements received by the commission pursuant to those 52608
cooperative agreements shall be deposited to the credit of the 52609
motor carrier safety fund, which is hereby created in the state 52610
treasury, to be used by the commission for the purpose of carrying 52611
out this section. 52612

(E) To achieve the purposes of this section, the commission 52613
may, through its inspectors or other authorized employees, inspect 52614
any vehicles of carriers of persons or property in interstate 52615
commerce subject to the safety rules prescribed by this section 52616
and may enter upon the premises and vehicles of such carriers to 52617
examine any of the carriers' records or documents that relate to 52618
the safety of operation of such carriers. In order to assist the 52619

commission in the performance of its duties under this section, 52620
authorized employees of the commercial motor vehicle safety 52621
enforcement unit, division of state highway patrol, of the 52622
department of public safety may enter in or upon, for purposes of 52623
inspection, any vehicle of any such carrier. 52624

In order to inspect motor vehicles owned or operated by 52625
private motor carriers of persons, authorized employees of the 52626
commercial motor vehicle safety enforcement unit, division of 52627
state highway patrol, of the department of public safety may enter 52628
in or upon the premises of any private carrier of persons in 52629
interstate commerce, subject to the safety rules prescribed by 52630
this section. 52631

Sec. 4931.45. (A) A final plan may be amended to expand the 52632
territory included in the countywide 9-1-1 system, to upgrade any 52633
part or all of a system from basic 9-1-1 to enhanced 9-1-1 52634
service, to adjust the territory served by a public safety 52635
answering point, to represcribe the funding of public safety 52636
answering points as between the alternatives set forth in division 52637
(B)(5) of section 4931.43 of the Revised Code, or to make any 52638
other necessary adjustments to the plan only by convening a new 52639
9-1-1 planning committee, and adopting an amended final plan. The 52640
convening of a new 9-1-1 planning committee and the proposal and 52641
adoption of an amended final plan shall be made in the same manner 52642
required for the convening of an initial committee and adoption of 52643
an original proposed and final plan under sections 4931.42 to 52644
4931.44 of the Revised Code. Adoption of any resolution under 52645
section 4931.51 of the Revised Code pursuant to a final plan that 52646
both has been adopted and provides for funding through charges 52647
imposed under that section is not an amendment of a final plan for 52648
the purpose of this division. 52649

(B) When a final plan is amended to expand the territory that 52650

receives 9-1-1 service or to upgrade a 9-1-1 system from basic to 52651
enhanced 9-1-1 service, ~~the provisions of~~ sections 4931.47 and 52652
~~5727.39~~ 5733.55 of the Revised Code apply with respect to the 52653
telephone company's recovery of the nonrecurring and recurring 52654
rates and charges for the telephone network portion of the system. 52655

Sec. 4931.47. (A) In accordance with Chapters 4901., 4903., 52656
4905., 4909., and 4931. of the Revised Code, the public utilities 52657
commission shall determine the just, reasonable, and compensatory 52658
rates, tolls, classifications, charges, or rentals to be observed 52659
and charged for the telephone network portion of a basic and 52660
enhanced 9-1-1 system, and each telephone company participating in 52661
the system shall be subject to such chapters, to the extent they 52662
apply, as to the service provided by its portion of the telephone 52663
network system as described in the final plan or to be installed 52664
pursuant to agreements under section 4931.48 of the Revised Code, 52665
and as to the rates, tolls, classifications, charges, or rentals 52666
to be observed and charged for that service. 52667

(B) Only the customers of a participating telephone company 52668
that are served within the area covered by a 9-1-1 system shall 52669
pay the recurring rates for the maintenance and operation of the 52670
telephone network in providing 9-1-1 service. Such rates shall be 52671
computed by dividing the total monthly recurring rates set forth 52672
in a telephone company's schedule as filed in accordance with 52673
section 4905.30 of the Revised Code, by the total number of 52674
residential and business customer access lines, or their 52675
equivalent, within the area served. Each residential and business 52676
customer within the area served shall pay the recurring rates 52677
based on the number of its residential and business customer 52678
access lines or their equivalent. No company may include such 52679
amount on any customer's bill until the company has completed its 52680
portion of the telephone network in accordance with the terms, 52681
conditions, requirements, and specifications of the final plan or 52682

an agreement made under section 4931.48 of the Revised Code. 52683

(C)(1) Except as otherwise provided in division (C)(2) of 52684
this section, the total nonrecurring charges for the telephone 52685
network used in providing 9-1-1 service, as set forth in the 52686
schedule filed by a telephone company in accordance with section 52687
4905.30 of the Revised Code, on completion of the installation of 52688
the network in accordance with the terms, conditions, 52689
requirements, and specifications of the final plan or pursuant to 52690
section 4931.48 of the Revised Code shall be recovered by the 52691
company through the credit authorized by section ~~5727.39~~ 5733.55 52692
of the Revised Code. 52693

(2) The credit shall not be allowed for upgrading of a system 52694
from basic to enhanced 9-1-1 service when: 52695

(a) The telephone company received the credit for the 52696
telephone network portion of the basic 9-1-1 system now proposed 52697
to be upgraded; and 52698

(b) At the time the final plan or agreement pursuant to 52699
section 4931.48 of the Revised Code calling for the basic 9-1-1 52700
system was agreed to, the telephone company was capable of 52701
reasonably meeting the technical and economic requirements of 52702
providing the telephone network portion of an enhanced 9-1-1 52703
system within the territory proposed to be upgraded, as determined 52704
by the public utilities commission under division (A) or (H) of 52705
section 4931.41 or division (C) of section 4931.48 of the Revised 52706
Code. 52707

(3) When the credit is not allowed under division (C)(2) of 52708
this section, the total nonrecurring charges for the telephone 52709
network used in providing 9-1-1 service, as set forth in the 52710
schedule filed by a telephone company in accordance with section 52711
4905.30 of the Revised Code, on completion of the installation of 52712
the network in accordance with the terms, conditions, 52713

requirements, and specifications of the final plan or pursuant to 52714
section 4931.48 of the Revised Code, shall be paid by the 52715
municipal corporations and townships with any territory in the 52716
area in which such upgrade from basic to enhanced 9-1-1 service is 52717
made. 52718

(D) Where customer premises equipment for a public safety 52719
answering point is supplied by a telephone company that is 52720
required to file a schedule under section 4905.30 of the Revised 52721
Code pertaining to customer premises equipment, the recurring and 52722
nonrecurring rates and charges for the installation and 52723
maintenance of the equipment specified in the schedule shall 52724
apply. 52725

Sec. 4931.48. (A) If a final plan is disapproved under 52726
division (B) of section 4931.44 of the Revised Code, by 52727
resolution, the legislative authority of a municipal corporation 52728
or township that contains at least thirty per cent of the county's 52729
population may establish within its boundaries, or the legislative 52730
authorities of a group of municipal corporations or townships each 52731
of which is contiguous with at least one other such municipal 52732
corporation or township in the group, together containing at least 52733
thirty per cent of the county's population, may jointly establish 52734
within their boundaries a 9-1-1 system. For this purpose, the 52735
municipal corporation or township may enter into an agreement, and 52736
the contiguous municipal corporations or townships may jointly 52737
enter into an agreement with a telephone company providing service 52738
in the municipal corporations or townships to provide for the 52739
telephone network portion of the system. 52740

(B) If no resolution has been adopted to convene a 9-1-1 52741
planning committee under section 4931.42 of the Revised Code, but 52742
not sooner than eighteen months after the effective date of such 52743
section, by resolution, the legislative authority of any municipal 52744

corporation in the county may establish within its boundaries, or 52745
the legislative authorities of a group of municipal corporations 52746
and townships each of which is contiguous to at least one of the 52747
other such municipal corporations or townships in the group may 52748
jointly establish within their boundaries, a 9-1-1 system. The 52749
municipal corporation or contiguous municipal corporations and 52750
townships, may enter into an agreement with a telephone company 52751
serving ~~customers~~ customers within the boundaries of the municipal 52752
corporation or contiguous municipal corporations and townships, to 52753
provide for the telephone network portion of a 9-1-1 system. 52754

(C) Whenever a telephone company and one or more municipal 52755
corporations and townships enter into an agreement under this 52756
section to provide for the telephone network portion of a basic 52757
9-1-1 system, the telephone company shall so notify the public 52758
utilities commission, which shall determine whether the telephone 52759
company is capable of reasonably meeting the technical and 52760
economic requirements of providing the telephone network for an 52761
enhanced system within the territory served by the company and 52762
covered by the agreement. The determination shall be made solely 52763
for the purposes of division (C)(2) of section 4931.47 of the 52764
Revised Code. 52765

(D) Within three years from the date of entering into an 52766
agreement under division (A) or (B) of this section, the telephone 52767
company shall have installed the telephone network portion of the 52768
9-1-1 system according to the terms, conditions, requirements, and 52769
specifications set forth in the agreement. 52770

(E) The telephone company shall recover the cost of 52771
installing the telephone network system pursuant to agreements 52772
made under this section as provided in ~~sections~~ section 4931.47 52773
~~and 5727.39~~ of the Revised Code, as authorized under section 52774
5733.55 of the Revised Code. 52775

Sec. 4973.17. (A) Upon the application of any bank, building 52776
and loan association, or association of banks or building and loan 52777
associations in this state, the ~~governor~~ secretary of state may 52778
appoint and commission any persons that the bank, building and 52779
loan association, or association of banks or building and loan 52780
associations designates, or as many of those persons as the 52781
~~governor~~ secretary of state considers proper, to act as police 52782
officers for and on the premises of that bank, building and loan 52783
association, or association of banks or building and loan 52784
associations, or elsewhere, when directly in the discharge of 52785
their duties. Police officers so appointed shall be citizens of 52786
this state and of good character. They shall hold office for three 52787
years, unless, for good cause shown, their commission is revoked 52788
by the ~~governor~~ secretary of state, or by the bank, building and 52789
loan association, or association of banks or building and loan 52790
associations, as provided by law. 52791

(B) Upon the application of a company owning or using a 52792
railroad in this state and subject to section 4973.171 of the 52793
Revised Code, the ~~governor~~ secretary of state may appoint and 52794
commission any persons that the railroad company designates, or as 52795
many of those persons as the ~~governor~~ secretary of state considers 52796
proper, to act as police officers for and on the premises of the 52797
railroad company, its affiliates or subsidiaries, or elsewhere, 52798
when directly in the discharge of their duties. Police officers so 52799
appointed, within the time set by the Ohio peace officer training 52800
commission, shall successfully complete a commission approved 52801
training program and be certified by the commission. They shall 52802
hold office for three years, unless, for good cause shown, their 52803
commission is revoked by the ~~governor~~ secretary of state, or 52804
railroad company, as provided by law. 52805

Any person holding a similar commission in another state may 52806

be commissioned and may hold office in this state without 52807
completing the approved training program required by this division 52808
provided that ~~that~~ the person has completed a substantially 52809
equivalent training program in the other state. The Ohio peace 52810
officer training commission shall determine whether a training 52811
program in another state meets the requirements of this division. 52812

(C) Upon the application of any company under contract with 52813
the United States atomic energy commission for the construction or 52814
operation of a plant at a site owned by ~~such~~ the commission, the 52815
~~governor~~ secretary of state may appoint and commission ~~such~~ 52816
persons ~~as~~ the company designates, not to exceed one hundred 52817
fifty, to act as police officers for the company at the plant or 52818
site owned by ~~such~~ the commission. Police officers so appointed 52819
shall be citizens of this state and of good character. They shall 52820
hold office for three years, unless, for good cause shown, their 52821
commission is revoked by the ~~governor~~ secretary of state or by the 52822
company, as provided by law. 52823

(D)(1) Upon the application of any hospital that is operated 52824
by a public hospital agency or a nonprofit hospital agency and 52825
that employs and maintains its own proprietary police department 52826
or security department and subject to section 4973.171 of the 52827
Revised Code, the ~~governor~~ secretary of state may appoint and 52828
commission any persons that the hospital designates, or as many of 52829
those persons as the ~~governor~~ secretary of state considers proper, 52830
to act as police officers for the hospital. No person who is 52831
appointed as a police officer under this division shall engage in 52832
any duties or activities as a police officer for the hospital or 52833
any affiliate or subsidiary of the hospital unless all of the 52834
following apply: 52835

(a) The chief of police of the municipal corporation in which 52836
the hospital is located~~7~~ or~~7~~ if the hospital is located in the 52837
unincorporated area of a county, the sheriff of that county~~7~~ has 52838

granted approval to the hospital to permit persons appointed as 52839
police officers under this division to engage in those duties and 52840
activities. The approval required by this division is general in 52841
nature and is intended to cover in the aggregate all persons 52842
appointed as police officers for the hospital under this division; 52843
a separate approval is not required for each appointee on an 52844
individual basis. 52845

(b) Subsequent to the grant of approval described in division 52846
(D)(1)(a) of this section, the hospital has entered into a written 52847
agreement with the chief of police of the municipal corporation in 52848
which the hospital is located, or, if the hospital is located in 52849
the unincorporated area of a county, with the sheriff of that 52850
county, that sets forth the standards and criteria to govern the 52851
interaction and cooperation between persons appointed as police 52852
officers for the hospital under this division and law enforcement 52853
officers serving the agency represented by the chief of police or 52854
sheriff who signed the agreement in areas of their concurrent 52855
jurisdiction. The written agreement shall be signed by the 52856
appointing authority of the hospital and by the chief of police or 52857
sheriff. The standards and criteria may include, but are not 52858
limited to, provisions governing the reporting of offenses 52859
discovered by hospital police officers to the agency represented 52860
by the chief of police or sheriff, provisions governing 52861
investigatory responsibilities relative to offenses committed on 52862
hospital property, and provisions governing the processing and 52863
confinement of persons arrested for offenses committed on hospital 52864
property. The agreement required by this division is intended to 52865
apply in the aggregate to all persons appointed as police officers 52866
for the hospital under this division; a separate agreement is not 52867
required for each appointee on an individual basis. 52868

(c) The person has successfully completed a training program 52869
approved by the Ohio peace officer training commission and has 52870

been certified by the commission. A person appointed as a police officer under this division may attend a training program approved by the commission and be certified by the commission regardless of whether the appropriate chief of police or sheriff has granted the approval described in division (D)(1)(a) of this section and regardless of whether the hospital has entered into the written agreement described in division (D)(1)(b) of this section with the appropriate chief of police or sheriff.

(2)(a) A person who is appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon ~~that~~ the person's and the hospital's compliance with the requirements of divisions (D)(1)(b) and (c) of this section, to act as a police officer for the hospital on the premises of the hospital and of its affiliates and subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the written agreement described in division (D)(1)(b) of this section, whichever is applicable, and anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. The authority to act as a police officer as described in this division is granted only if the person, when engaging in that activity, is directly in the discharge of ~~that~~ the person's duties as a police officer for the hospital. The authority to act as a police officer as described in this division shall be exercised in accordance with the standards and criteria set forth in the written agreement described in division (D)(1)(b) of this section.

(b) Additionally, a person appointed as a police officer under division (D)(1) of this section is entitled, upon the grant of approval described in division (D)(1)(a) of this section and upon ~~that~~ the person's and the hospital's compliance with the

requirements of divisions (D)(1)(b) and (c) of this section, to 52903
act as a police officer elsewhere, within the territory of a 52904
municipal corporation or within the unincorporated area of a 52905
county, if the chief of police of that municipal corporation or 52906
the sheriff of that county, respectively, has granted approval for 52907
that activity to the hospital, police department, or security 52908
department served by the person as a police officer and if the 52909
person, when engaging in that activity, is directly in the 52910
discharge of ~~that~~ the person's duties as a police officer for the 52911
hospital. The approval described in this division may be general 52912
in nature or may be limited in scope, duration, or applicability, 52913
as determined by the chief of police or sheriff granting the 52914
approval. 52915

(3) Police officers appointed under division (D)(1) of this 52916
section shall hold office for three years, unless, for good cause 52917
shown, their commission is revoked by the ~~governor~~ secretary of 52918
state or by the hospital, as provided by law. As used in divisions 52919
(D)(1) to (3) of this section, "public hospital agency" and 52920
"nonprofit hospital agency" have the same ~~meaning~~ meanings as in 52921
section 140.01 of the Revised Code. 52922

(E) A fee of ~~five~~ fifteen dollars for each commission applied 52923
for under this section shall be paid at the time the application 52924
is made, and this amount shall be returned if for any reason a 52925
commission is not issued. 52926

Sec. 4981.20. (A) Any real or personal property, or both, of 52927
the Ohio rail development commission that is acquired, 52928
constructed, reconstructed, enlarged, improved, furnished, or 52929
equipped, or any combination thereof, and leased or subleased 52930
under authority of sections 4981.11 to 4981.26 of the Revised Code 52931
shall be subject to ad valorem, sales, use, and franchise taxes 52932
and to zoning, planning, and building regulations and fees, to the 52933

same extent and in the same manner as if the lessee-user or 52934
sublessee-user thereof, rather than the issuer, had acquired, 52935
constructed, reconstructed, enlarged, improved, furnished, or 52936
equipped, or any combination thereof, such real or personal 52937
property, and title thereto was in the name of such lessee-user or 52938
sublessee-user. 52939

The transfer of tangible personal property by lease or 52940
sublease under authority of sections 4981.11 to 4981.26 of the 52941
Revised Code is not a sale as used in Chapter 5739. of the Revised 52942
Code. The exemptions provided in divisions (B)(1) and ~~(14)~~(13) of 52943
section 5739.02 of the Revised Code shall not be applicable to 52944
purchases for a project under sections 4981.11 to 4981.26 of the 52945
Revised Code. 52946

The issuer shall be exempt from all taxes on its real or 52947
personal property, or both, which has been acquired, constructed, 52948
reconstructed, enlarged, improved, furnished, or equipped, or any 52949
combination thereof, under sections 4981.11 to 4981.26 of the 52950
Revised Code so long as such property is used by the issuer for 52951
purposes which would otherwise exempt such property; has ceased to 52952
be used by a former lessee-user or sublessee-user and is not 52953
occupied or used; or has been acquired by the issuer but 52954
development has not yet commenced. The exemption shall be 52955
effective as of the date the exempt use begins. All taxes on the 52956
exempt real or personal property for the year should be prorated 52957
and the taxes for the exempt portion of the year shall be remitted 52958
by the county auditor. 52959

(B) Bonds issued under sections 4981.11 to 4981.26 of the 52960
Revised Code, the transfer thereof, and the interest and other 52961
income from the bonds, including any profit made on the sale 52962
thereof, are free from taxation within the state. 52963

Sec. 5101.11. This section does not apply to contracts 52964

entered into under section ~~5111.022~~, 5111.90, or 5111.91 of the Revised Code. 52965
52966

(A) As used in this section: 52967

(1) "Entity" includes an agency, board, commission, or 52968
department of the state or a political subdivision of the state; a 52969
private, nonprofit entity; a school district; a private school; or 52970
a public or private institution of higher education. 52971

(2) "Federal financial participation" means the federal 52972
government's share of expenditures made by an entity in 52973
implementing a program administered by the department of job and 52974
family services. 52975

(B) At the request of any public entity having authority to 52976
implement a program administered by the department of job and 52977
family services or any private entity under contract with a public 52978
entity to implement a program administered by the department, the 52979
department may seek to obtain federal financial participation for 52980
costs incurred by the entity. Federal financial participation may 52981
be sought from programs operated pursuant to Title IV-A, Title 52982
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 52983
(1935), 42 U.S.C. 301, as amended; the "Food Stamp Act of 1964," 52984
78 Stat. 703, 7 U.S.C. 2011, as amended; and any other statute or 52985
regulation under which federal financial participation may be 52986
available, except that federal financial participation may be 52987
sought only for expenditures made with funds for which federal 52988
financial participation is available under federal law. 52989

(C) All funds collected by the department of job and family 52990
services pursuant to division (B) of this section shall be 52991
distributed to the entities that incurred the costs, except for 52992
any amounts retained by the department pursuant to division (D)(3) 52993
of this section. 52994

(D) In distributing federal financial participation pursuant 52995

to this section, the department may either enter into an agreement 52996
with the entity that is to receive the funds or distribute the 52997
funds in accordance with rules adopted under division (F) of this 52998
section. If the department decides to enter into an agreement to 52999
distribute the funds, the agreement may include terms that do any 53000
of the following: 53001

(1) Provide for the whole or partial reimbursement of any 53002
cost incurred by the entity in implementing the program; 53003

(2) In the event that federal financial participation is 53004
disallowed or otherwise unavailable for any expenditure, require 53005
the department of job and family services or the entity, whichever 53006
party caused the disallowance or unavailability of federal 53007
financial participation, to assume responsibility for the 53008
expenditures; 53009

(3) Permit the department to retain not more than five per 53010
cent of the amount of the federal financial participation to be 53011
distributed to the entity; 53012

(4) Require the public entity to certify the availability of 53013
sufficient unencumbered funds to match the federal financial 53014
participation it receives under this section; 53015

(5) Establish the length of the agreement, which may be for a 53016
fixed or a continuing period of time; 53017

(6) Establish any other requirements determined by the 53018
department to be necessary for the efficient administration of the 53019
agreement. 53020

(E) An entity that receives federal financial participation 53021
pursuant to this section for a program aiding children and their 53022
families shall establish a process for collaborative planning with 53023
the department of job and family services for the use of the funds 53024
to improve and expand the program. 53025

(F) The director of job and family services shall adopt rules 53026
as necessary to implement this section, including rules for the 53027
distribution of federal financial participation pursuant to this 53028
section. The rules shall be adopted in accordance with Chapter 53029
119. of the Revised Code. The director may adopt or amend any 53030
statewide plan required by the federal government for a program 53031
administered by the department, as necessary to implement this 53032
section. 53033

(G) Federal financial participation received pursuant to this 53034
section shall not be included in any calculation made under 53035
section 5101.16 or 5101.161 of the Revised Code. 53036

Sec. 5101.12. The department of job and family services shall 53037
maximize its receipt of federal revenue. In fulfilling this duty, 53038
the department may enter into contracts to maximize federal 53039
revenue without the expenditure of state money. In selecting 53040
private entities with which to contract, the department shall 53041
engage in a request for proposals process. The department, subject 53042
to the approval of the controlling board, may also directly enter 53043
into contracts with public entities providing revenue maximization 53044
services. 53045

Each year in January and July, the department shall submit a 53046
report to the office of budget and management outlining the 53047
department's success in maximizing federal revenue. The office of 53048
budget and management shall establish procedures and requirements 53049
for preparing and submitting the reports and shall compile data 53050
concerning the amount of federal revenue received by the 53051
department. The department shall submit a copy of each of its 53052
reports to the speaker and minority leader of the house of 53053
representatives, the president and minority leader of the senate, 53054
and the legislative service commission. 53055

Sec. 5101.14. (A) As used in this section and section 53056
5101.144 of the Revised Code, "children services" means services 53057
provided to children pursuant to Chapter 5153. of the Revised 53058
Code. 53059

(B) Within available funds, the department of job and family 53060
services shall ~~make payments~~ distribute funds to the counties 53061
within thirty days after the beginning of each calendar quarter 53062
for a part of ~~their~~ the counties' costs for children services ~~to~~ 53063
~~children performed pursuant to Chapter 5153. of the Revised Code.~~ 53064

Funds provided to the county under this section shall be 53065
deposited into the children services fund created pursuant to 53066
section 5101.144 of the Revised Code. 53067

~~(B)(1) The funds distributed under this section shall be used~~ 53068
~~for the following:~~ 53069

~~(a) Home based services to children and families;~~ 53070

~~(b) Protective services to children;~~ 53071

~~(c) To find, develop, and approve adoptive homes;~~ 53072

~~(d) Short term, out of home care and treatment for children;~~ 53073

~~(e) Costs for the care of a child who resides with a~~ 53074
~~caretaker relative, other than the child's parent, and is in the~~ 53075
~~legal custody of a public children services agency pursuant to a~~ 53076
~~voluntary temporary custody agreement entered into under division~~ 53077

~~(A) of section 5103.15 of the Revised Code or in the legal custody~~ 53078
~~of a public children services agency or the caretaker relative~~ 53079
~~pursuant to an allegation or adjudication of abuse, neglect, or~~ 53080
~~dependency made under Chapter 2151. of the Revised Code;~~ 53081

~~(f) Other services a public children services agency~~ 53082
~~considers necessary to protect children from abuse, neglect, or~~ 53083
~~dependency.~~ 53084

~~(2) No funds distributed under this section shall be used for 53085
the costs of maintaining a child in a children's home owned and 53086
operated by the county. 53087~~

(C) In each fiscal year, the amount of funds available for 53088
distribution under this section shall be allocated to counties as 53089
follows: 53090

(1) If the amount is less than the amount initially 53091
appropriated for the immediately preceding fiscal year, each 53092
county shall receive an amount equal to the percentage of the 53093
funding it received in the immediately preceding fiscal year, 53094
exclusive of any releases from or additions to the allocation or 53095
any sanctions imposed under this section; 53096

(2) If the amount is equal to the amount initially 53097
appropriated for the immediately preceding fiscal year, each 53098
county shall receive an amount equal to the amount it received in 53099
the preceding fiscal year, exclusive of any releases from or 53100
additions to the allocation or any sanctions imposed under this 53101
section; 53102

(3) If the amount is greater than the amount initially 53103
appropriated for the immediately preceding fiscal year, each 53104
county shall receive the amount determined under division (C)(2) 53105
of this section as a base allocation, plus a percentage of the 53106
amount that exceeds the amount initially appropriated for the 53107
immediately preceding fiscal year. The amount exceeding the amount 53108
initially appropriated in the immediately preceding fiscal year 53109
shall be allocated to the counties as follows: 53110

(a) Twelve per cent divided equally among all counties; 53111

(b) Forty-eight per cent in the ratio that the number of 53112
residents of the county under the age of eighteen bears to the 53113
total number of such persons residing in this state; 53114

(c) Forty per cent in the ratio that the number of residents 53115
of the county with incomes under the federal poverty guideline 53116
bears to the total number of such persons in this state. 53117

As used in division (C)(3)(c) of this section, "federal 53118
poverty guideline" means the poverty guideline as defined by the 53119
United States office of management and budget and revised by the 53120
United States secretary of health and human services in accordance 53121
with section 673 of the "Community Services Block Grant Act," 95 53122
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 53123

~~(D) The director of job and family services may adopt rules 53124
as necessary for the allocation of funds under this section. The 53125
rules shall be adopted in accordance with section 111.15 of the 53126
Revised Code. 53127~~

~~(E)(1) As used in this division, "services to children" means 53128
children's protective services, home based services to children 53129
and families, foster home services, residential treatment 53130
services, adoptive services, and independent living services. 53131~~

~~(2) Except as otherwise provided in this section, the 53132
allocation of funds for a fiscal year to a county under this 53133
section shall be reduced by the department if in the preceding 53134
calendar year the total amount expended for services to children 53135
from local funds was less than the total expended from that source 53136
in the second preceding calendar year. The reduction shall be 53137
equal to the difference between the total expended in the 53138
preceding calendar year and the total expended in the second 53139
preceding calendar year. 53140~~

~~The determination of whether the amount expended for services 53141
to children was less in the preceding calendar year than in the 53142
second preceding calendar year shall not include a difference due 53143
to any of the following factors to the extent that the difference 53144
does not exceed the amount attributable to that factor: 53145~~

(a) An across the board reduction in the county budget as a whole;	53146
	53147
(b) A reduced or failed levy specifically earmarked for children services;	53148
	53149
(c) The closure of, or a reduction in the operating capacity of, a children's home owned and operated by the county.	53150
	53151
(3) Funds withheld under this division may be reallocated by the department to other counties. The department may grant whole or partial waivers of the provisions of this division.	53152
	53153
	53154
(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.	53155
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	53160
(G) Within ninety days after the end of each <u>state</u> fiscal year <u>biennium</u>, each county shall return any unspent funds to the department.	53161
	53162
	53163
(H) In accordance with Chapter 119. of the Revised Code, the (E) The director shall of job and family services may adopt, and may amend and rescind, the following rules in accordance with section 111.15 of the Revised Code:	53164
	53165
	53166
	53167
(1) Rules that are necessary for the allocation of funds under this section;	53168
	53169
(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.	53170
	53171
	53172
Sec. 5101.141. (A) <u>As used in sections 5101.141 to 5101.1410 of the Revised Code, "Title IV-E" means Title IV-E of the "Social</u>	53173
	53174

Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 53175

(B) The department of job and family services shall act as 53176
the single state agency to administer federal payments for foster 53177
care and adoption assistance made pursuant to Title IV-E ~~of the~~ 53178
~~"Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as~~ 53179
~~amended.~~ The director of job and family services shall adopt rules 53180
to implement this authority. ~~Internal management rules~~ Rules 53181
governing financial and administrative requirements applicable to 53182
public children services agencies, ~~private child placing agencies,~~ 53183
and ~~private noncustodial agencies~~ government entities that provide 53184
Title IV-E reimbursable placement services to children shall be 53185
adopted in accordance with section 111.15 of the Revised Code, as 53186
if they were internal management rules. Rules governing 53187
requirements applicable to private child placing agencies and 53188
private noncustodial agencies and rules establishing eligibility, 53189
program participation, and other requirements concerning Title 53190
IV-E shall be adopted in accordance with Chapter 119. of the 53191
Revised Code. A public children services agency to which the 53192
department distributes Title IV-E funds shall administer the funds 53193
in accordance with those rules. 53194

~~(B)~~(C)(1) The county, on behalf of each child eligible for 53195
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53196
~~Security Act,"~~ shall make payments to cover the cost of providing 53197
all of the following: 53198

(a) The child's food, clothing, shelter, daily supervision, 53199
and school supplies; 53200

(b) The child's personal incidentals; 53201

(c) Reasonable travel to the child's home for visitation. 53202

(2) In addition to payments made under division ~~(B)~~(C)(1) of 53203
this section, the county may, on behalf of each child eligible for 53204
foster care maintenance payments under Title IV-E ~~of the "Social~~ 53205

~~Security Act~~,² make payments to cover the cost of providing the 53206
following: 53207

(a) Liability insurance with respect to the child; 53208

(b) If the county is participating in the demonstration 53209
project established under division (A) of section 5101.142 of the 53210
Revised Code, services provided under the project. 53211

(3) With respect to a child who is in a child-care 53212
institution, including any type of group home designed for the 53213
care of children or any privately operated program consisting of 53214
two or more certified foster homes operated by a common 53215
administrative unit, the foster care maintenance payments made by 53216
the county on behalf of the child shall include the reasonable 53217
cost of the administration and operation of the institution, group 53218
home, or program, as necessary to provide the items described in 53219
divisions ~~(B)~~(C)(1) and (2) of this section. 53220

~~(C)~~(D) To the extent that either foster care maintenance 53221
payments under division ~~(B)~~ (C) of this section or Title IV-E 53222
adoption assistance payments for maintenance costs require the 53223
expenditure of county funds, the board of county commissioners 53224
shall report the nature and amount of each expenditure of county 53225
funds to the department. 53226

~~(D)~~(E) The department shall distribute to public children 53227
services agencies that incur and report such expenditures federal 53228
financial participation received for administrative and training 53229
costs incurred in the operation of foster care maintenance and 53230
adoption assistance programs. The department may withhold not more 53231
than three per cent of the federal financial participation 53232
received. The funds withheld may be used only to fund the Ohio 53233
child welfare training program established under section 5153.60 53234
of the Revised Code and the university partnership program for 53235
college and university students majoring in social work who have 53236

committed to work for a public children services agency upon 53237
graduation. The funds withheld shall be in addition to any 53238
administration and training cost for which the department is 53239
reimbursed through its own cost allocation plan. 53240

~~(E)~~(F) All federal financial participation funds received by 53241
a county pursuant to this section shall be deposited into the 53242
county's children services fund created pursuant to section 53243
5101.144 of the Revised Code. 53244

~~(F)~~(G) The department shall periodically publish and 53245
distribute the maximum amounts that the department will reimburse 53246
public children services agencies for making payments on behalf of 53247
children eligible for foster care maintenance payments. 53248

~~(G)~~(H) The department, by and through its director, is hereby 53249
authorized to develop, participate in the development of, 53250
negotiate, and enter into one or more interstate compacts on 53251
behalf of this state with agencies of any other states, for the 53252
provision of medical assistance and other social services to 53253
children in relation to whom all of the following apply: 53254

(1) They have special needs. 53255

(2) This state or another state that is a party to the 53256
interstate compact is providing adoption assistance on their 53257
behalf. 53258

(3) They move into this state from another state or move out 53259
of this state to another state. 53260

Sec. 5101.142. (A) The department of job and family services 53261
may apply to the United States secretary of health and human 53262
services for a waiver of requirements established under Title IV-E 53263
~~of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670~~ 53264
~~(1980)~~, or regulations adopted thereunder, to conduct a 53265
demonstration project expanding eligibility for and services 53266

provided under Title IV-E. The department may enter into 53267
agreements with the secretary necessary to implement the 53268
demonstration project, including agreements establishing the terms 53269
and conditions of the waiver authorizing the project. If a 53270
demonstration project is to be established, the department shall 53271
do all of the following: 53272

(1) Have the director of job and family services adopt rules 53273
in accordance with Chapter 119. of the Revised Code governing the 53274
project. The rules shall be consistent with the agreements the 53275
department enters into with the secretary. 53276

(2) Enter into agreements with public children services 53277
agencies that the department selects for participation in the 53278
project. The department shall not select an agency that objects to 53279
participation or refuses to be bound by the terms and conditions 53280
of the project. 53281

(3) Contract with persons or governmental agencies providing 53282
services under the project; 53283

(4) Amend the state plan required by section 471 of the 53284
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 53285
implement the project; 53286

(5) Conduct ongoing evaluations of the project; 53287

(6) Perform other administrative and operational activities 53288
required by the agreement with the secretary. 53289

(B) The department may apply to the United States secretary 53290
of health and human services for a waiver of the requirements 53291
established under Title IV-B of the "Social Security Act of 1967," 53292
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 53293
and established under any other federal law or regulations that 53294
affect the children services functions prescribed by Chapter 5153. 53295
of the Revised Code, to conduct demonstration projects or 53296
otherwise improve the effectiveness and efficiency of the children 53297

services function. 53298

~~Sec. 5101.144. As used in this section, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.~~ 53299
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Each county shall deposit all funds its public children services agency receives from appropriations made by the board of county commissioners or any other source for the purpose of providing children services into a special fund in the county treasury known as the children services fund. A county shall use money in the fund only for the purposes of meeting the expenses of providing children services. 53302
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~~Sec. 5101.145. (A) For the purposes of this section, "Title IV E" means Title IV E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980).~~ 53309
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~~(B)~~ In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, ~~and~~ private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of job and family services shall establish both of the following: 53312
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(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid; 53319
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(2) Procedures to monitor cost reports submitted by the agencies or entities. 53322
53323

~~(C)~~(B) The procedures established under division ~~(B)~~(A)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following: 53324
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53326

(1) Determine which of the costs are reimbursable under Title 53327
IV-E; 53328

(2) Ensure that costs reimbursable under medicaid are 53329
excluded from determinations made under division ~~(C)~~(B)(1) of this 53330
section. 53331

Sec. 5101.146. The department of job and family services 53332
shall establish the following penalties, which shall be enforced 53333
at the discretion of the department, for the failure of a public 53334
children services agency, private child placing agency, ~~or~~ private 53335
noncustodial agency, or government entity that provides Title IV-E 53336
reimbursable placement services to children to comply with 53337
procedures the department establishes to ensure fiscal 53338
accountability: 53339

(A) For initial failure, the department and the agency or 53340
entity involved shall jointly develop and implement a corrective 53341
action plan according to a specific schedule. If requested by the 53342
agency or entity involved, the department shall provide technical 53343
assistance to the agency or entity to ensure the fiscal 53344
accountability procedures and goals of the plan are met. 53345

(B) For subsequent failures or failure to achieve the goals 53346
of the plan described in division (A) of this section, ~~either one~~ 53347
of the following: 53348

(1) For public children services agencies, the department may 53349
take any action permitted under division ~~(B)(3)~~(C)(2), (4), ~~or~~ 53350
(5), or (6) of section 5101.24 of the Revised Code. 53351

(2) For private child placing agencies or private 53352
noncustodial agencies, cancellation of any Title IV-E allowability 53353
rates for the agency involved pursuant to section 5101.141 of the 53354
Revised Code or revocation pursuant to Chapter 119. of the Revised 53355
Code of that agency's certificate issued under section 5103.03 of 53356

the Revised Code; 53357

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code. 53358
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Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case: 53363
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(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code. 53372
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(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report. 53375
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(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed. 53377
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(D) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report is not the direct result of a written directive concerning the agency or entity's cost report 53383
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<u>that the department issued to the agency or entity.</u>	53387
Sec. 5101.16. (A) As used in this section and sections	53388
5101.161 and 5101.162 of the Revised Code:	53389
(1) "Disability <u>financial</u> assistance" means <u>the financial</u> and	53390
medical assistance provided <u>program established</u> under Chapter	53391
5115. of the Revised Code.	53392
(2) " <u>Disability medical assistance</u> " means <u>the medical</u>	53393
<u>assistance program established under Chapter 5115. of the Revised</u>	53394
<u>Code.</u>	53395
(3) "Food stamps" means the program administered by the	53396
department of job and family services pursuant to section 5101.54	53397
of the Revised Code.	53398
(3) (4) "Medicaid" means the medical assistance program	53399
established by Chapter 5111. of the Revised Code, excluding	53400
transportation services provided under that chapter.	53401
(4) (5) "Ohio works first" means the program established by	53402
Chapter 5107. of the Revised Code.	53403
(5) (6) "Prevention, retention, and contingency" means the	53404
program established by Chapter 5108. of the Revised Code.	53405
(6) (7) "Public assistance expenditures" means expenditures	53406
for all of the following:	53407
(a) Ohio works first;	53408
(b) County administration of Ohio works first;	53409
(c) Prevention, retention, and contingency;	53410
(d) County administration of prevention, retention, and	53411
contingency;	53412
(e) Disability <u>financial</u> assistance;	53413
(f) <u>Disability medical assistance</u> ;	53414

(g) County administration of disability <u>financial</u> assistance;	53415
(g) (h) County administration of disability <u>medical</u>	53416
<u>assistance</u> ;	53417
(i) County administration of food stamps;	53418
(h) (j) County administration of medicaid.	53419
(8) <u>"Title IV-A program" has the same meaning as in section</u>	53420
<u>5101.80 of the Revised Code.</u>	53421
(B) Each board of county commissioners shall pay the county	53422
share of public assistance expenditures in accordance with section	53423
5101.161 of the Revised Code. Except as provided in division (C)	53424
of this section, a county's share of public assistance	53425
expenditures is the sum of all of the following for state fiscal	53426
year 1998 and each state fiscal year thereafter:	53427
(1) The amount that is twenty-five per cent of the county's	53428
total expenditures for disability <u>financial assistance and</u>	53429
<u>disability medical</u> assistance and county administration of	53430
disability assistance <u>those programs</u> during the state fiscal year	53431
ending in the previous calendar year that the department of job	53432
and family services determines are allowable.	53433
(2) The amount that is ten per cent, or other percentage	53434
determined under division (D) of this section, of the county's	53435
total expenditures for county administration of food stamps and	53436
medicaid during the state fiscal year ending in the previous	53437
calendar year that the department determines are allowable, less	53438
the amount of federal reimbursement credited to the county under	53439
division (E) of this section for the state fiscal year ending in	53440
the previous calendar year;	53441
(3)(a) Except as provided in division (B)(3)(b) of this	53442
section, A percentage of the actual amount, as determined by the	53443
department of job and family services from expenditure reports	53444

~~submitted to the United States department of health and human~~ 53445
~~services,~~ of the county share of program and administrative 53446
expenditures during federal fiscal year 1994 for assistance and 53447
services, other than child day-care, provided under Titles IV-A 53448
and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 53449
U.S.C. 301, as those titles existed prior to the enactment of the 53450
"Personal Responsibility and Work Opportunity Reconciliation Act 53451
of 1996," 110 Stat. 2105. The department of job and family 53452
services shall determine the actual amount of the county share 53453
from expenditure reports submitted to the United States department 53454
of health and human services. The percentage shall be the 53455
percentage established in rules adopted under division (F) of this 53456
section. 53457

~~(b) For state fiscal years 2000 and 2001, seventy seven per~~ 53458
~~cent of the amount determined under division (B)(3)(a) of this~~ 53459
~~section.~~ 53460

(C)(1) If a county's share of public assistance expenditures 53461
determined under division (B) of this section for a state fiscal 53462
year exceeds one hundred ten per cent of the county's share for 53463
those expenditures for the immediately preceding state fiscal 53464
year, the department of job and family services shall reduce the 53465
county's share for expenditures under divisions (B)(1) and (2) of 53466
this section so that the total of the county's share for 53467
expenditures under division (B) of this section equals one hundred 53468
ten per cent of the county's share of those expenditures for the 53469
immediately preceding state fiscal year. 53470

(2) A county's share of public assistance expenditures 53471
determined under division (B) of this section may be increased 53472
pursuant to a sanction under section 5101.24 of the Revised Code. 53473

(D)(1) If the per capita tax duplicate of a county is less 53474
than the per capita tax duplicate of the state as a whole and 53475
division (D)(2) of this section does not apply to the county, the 53476

percentage to be used for the purpose of division (B)(2) of this 53477
section is the product of ten multiplied by a fraction of which 53478
the numerator is the per capita tax duplicate of the county and 53479
the denominator is the per capita tax duplicate of the state as a 53480
whole. The department of job and family services shall compute the 53481
per capita tax duplicate for the state and for each county by 53482
dividing the tax duplicate for the most recent available year by 53483
the current estimate of population prepared by the department of 53484
development. 53485

(2) If the percentage of families in a county with an annual 53486
income of less than three thousand dollars is greater than the 53487
percentage of such families in the state and division (D)(1) of 53488
this section does not apply to the county, the percentage to be 53489
used for the purpose of division (B)(2) of this section is the 53490
product of ten multiplied by a fraction of which the numerator is 53491
the percentage of families in the state with an annual income of 53492
less than three thousand dollars a year and the denominator is the 53493
percentage of such families in the county. The department of job 53494
and family services shall compute the percentage of families with 53495
an annual income of less than three thousand dollars for the state 53496
and for each county by multiplying the most recent estimate of 53497
such families published by the department of development, by a 53498
fraction, the numerator of which is the estimate of average annual 53499
personal income published by the bureau of economic analysis of 53500
the United States department of commerce for the year on which the 53501
census estimate is based and the denominator of which is the most 53502
recent such estimate published by the bureau. 53503

(3) If the per capita tax duplicate of a county is less than 53504
the per capita tax duplicate of the state as a whole and the 53505
percentage of families in the county with an annual income of less 53506
than three thousand dollars is greater than the percentage of such 53507
families in the state, the percentage to be used for the purpose 53508

of division (B)(2) of this section shall be determined as follows: 53509

(a) Multiply ten by the fraction determined under division 53510
(D)(1) of this section; 53511

(b) Multiply the product determined under division (D)(3)(a) 53512
of this section by the fraction determined under division (D)(2) 53513
of this section. 53514

(4) The department of job and family services shall 53515
determine, for each county, the percentage to be used for the 53516
purpose of division (B)(2) of this section not later than the 53517
first day of July of the year preceding the state fiscal year for 53518
which the percentage is used. 53519

(E) The department of job and family services shall credit to 53520
a county the amount of federal reimbursement the department 53521
receives from the United States departments of agriculture and 53522
health and human services for the county's expenditures for 53523
administration of food stamps and medicaid that the department 53524
determines are allowable administrative expenditures. 53525

(F)(1) The director of job and family services shall adopt 53526
rules in accordance with section 111.15 of the Revised Code to 53527
establish all of the following: 53528

~~(1)~~(a) The method the department is to use to change a 53529
county's share of public assistance expenditures determined under 53530
division (B) of this section as provided in division (C) of this 53531
section; 53532

~~(2)~~(b) The allocation methodology and formula the department 53533
will use to determine the amount of funds to credit to a county 53534
under this section; 53535

~~(3)~~(c) The method the department will use to change the 53536
payment of the county share of public assistance expenditures from 53537
a calendar-year basis to a state fiscal year basis; 53538

(4)(d) The percentage to be used for the purpose of division 53539
(B)(3) of this section, which shall meet both of the following 53540
requirements: 53541

(i) The percentage shall not be less than seventy-five per 53542
cent nor more than eighty-two per cent; 53543

(ii) The percentage shall not exceed the percentage that the 53544
state's qualified state expenditures is of the state's historic 53545
state expenditures as those terms are defined in 42 U.S.C. 53546
609(a)(7). 53547

(e) Other procedures and requirements necessary to implement 53548
this section. 53549

(2) The director of job and family services may amend the 53550
rule adopted under division (F)(1)(d) of this section to modify 53551
the percentage on determination that the amount the general 53552
assembly appropriates for Title IV-A programs makes the 53553
modification necessary. The rule shall be adopted and amended as 53554
if an internal management rule and in consultation with the 53555
director of budget and management. 53556

Sec. 5101.162. The Subject to available federal funds and 53557
appropriations made by the general assembly, the department of job 53558
and family services may, at its sole discretion, use available 53559
federal funds to reimburse county expenditures for county 53560
administration of food stamps or medicaid even though the county 53561
expenditures meet or exceed the maximum allowable reimbursement 53562
amount established by rules adopted under section 5101.161 of the 53563
Revised Code if the board of county commissioners has ~~not~~ entered 53564
into a ~~partnership~~ fiscal agreement with the director of job and 53565
family services under section 5101.21 of the Revised Code. The 53566
director may adopt internal management rules in accordance with 53567
section 111.15 of the Revised Code to implement this section. 53568

Sec. 5101.18. (A) When the director of job and family services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section ~~5115.05~~ 5115.03 of the Revised Code regarding income and resource requirements for the disability financial assistance program, the director shall determine what payments shall be regarded or disregarded. In making this determination, the director shall consider:

(1) The source of the payment;

(2) The amount of the payment;

(3) The purpose for which the payment was made;

(4) Whether regarding the payment as income would be in the public interest;

(5) Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department of job and family services and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code.

(B) Any recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old-age, survivors, and disability insurance benefits under such act, shall remain a recipient for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

Sec. 5101.181. (A) As used in this section and section 5101.182 of the Revised Code, "public assistance" includes, in addition to Ohio works first; ~~prevention~~, all of the following:

<u>(1) Prevention retention, and contingency; medicaid</u>	53598
<u>(2) Medicaid; and disability</u>	53599
<u>(3) Disability financial assistance, general;</u>	53600
<u>(4) Disability medical assistance;</u>	53601
<u>(5) General</u> assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.	53602 53603
(B) As part of the procedure for the determination of overpayment to a recipient of public assistance under Chapter 5107., 5108., 5111., or 5115. of the Revised Code, the director of job and family services shall furnish quarterly the name and social security number of each individual who receives public assistance to the director of administrative services, the administrator of the bureau of workers' compensation, and each of the state's retirement boards. Within fourteen days after receiving the name and social security number of an individual who receives public assistance, the director of administrative services, administrator, or board shall inform the auditor of state as to whether such individual is receiving wages or benefits, the amount of any wages or benefits being received, the social security number, and the address of the individual. The director of administrative services, administrator, boards, and any agent or employee of those officials and boards shall comply with the rules of the director of job and family services restricting the disclosure of information regarding recipients of public assistance. Any person who violates this provision shall thereafter be disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency.	53604 53605 53606 53607 53608 53609 53610 53611 53612 53613 53614 53615 53616 53617 53618 53619 53620 53621 53622 53623 53624 53625
(C) The auditor of state may enter into a reciprocal agreement with the director of job and family services or comparable officer of any other state for the exchange of names,	53626 53627 53628

current or most recent addresses, or social security numbers of 53629
persons receiving public assistance under Title IV-A or under 53630
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 53631
U.S.C. 301, as amended. 53632

(D)(1) The auditor of state shall retain, for not less than 53633
two years, at least one copy of all information received under 53634
this section and sections 145.27, 742.41, 3307.20, 3309.22, 53635
4123.27, 5101.182, and 5505.04 of the Revised Code. The auditor 53636
shall review the information to determine whether overpayments 53637
were made to recipients of public assistance under Chapters 5107., 53638
5108., 5111., and 5115. of the Revised Code. The auditor of state 53639
shall initiate action leading to prosecution, where warranted, of 53640
recipients who received overpayments by forwarding the name of 53641
each recipient who received overpayment, together with other 53642
pertinent information, to the director of job and family services 53643
and the attorney general, to the district director of job and 53644
family services of the district through which public assistance 53645
was received, and to the county director of job and family 53646
services and county prosecutor of the county through which public 53647
assistance was received. 53648

(2) The auditor of state and the attorney general or their 53649
designees may examine any records, whether in computer or printed 53650
format, in the possession of the director of job and family 53651
services or any county director of job and family services. They 53652
shall provide safeguards which restrict access to such records to 53653
purposes directly connected with an audit or investigation, 53654
prosecution, or criminal or civil proceeding conducted in 53655
connection with the administration of the programs and shall 53656
comply with the rules of the director of job and family services 53657
restricting the disclosure of information regarding recipients of 53658
public assistance. Any person who violates this provision shall 53659
thereafter be disqualified from acting as an agent or employee or 53660

in any other capacity under appointment or employment of any state board, commission, or agency. 53661
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(3) Costs incurred by the auditor of state in carrying out the auditor of state's duties under this division shall be borne by the auditor of state. 53663
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Sec. 5101.20. (A) As used in this section of the Revised Code: 53666
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(1) "Local area" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, and division (A) of section 6301.01 of the Revised Code; 53668
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(2) "Chief elected official" has the same meaning as in section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended, and division (F) of section 6301.01 of the Revised Code; 53672
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(3) "Grantee" means the chief elected officials of a local area. 53676
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(B) The director of job and family services shall enter into one or more written grant agreements with each local area under which financial assistance is awarded for workforce development activities included in the agreements. A grant agreement shall establish the terms and conditions governing the accountability for and use of grants provided by the department of job and family services to the grantee for the administration of workforce development activities funded under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as amended. 53678
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(C) In the case of a local area comprised of multiple political subdivisions, nothing in this section shall preclude the chief elected officials of a local area from entering into an agreement among themselves to distribute any liability for 53687
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activities of the local area, but such an agreement shall not be 53691
binding on the department of job and family services. 53692

(D) The written grant agreement entered into under division 53693
(B) of this section shall comply with all applicable federal and 53694
state laws governing workforce development activities. All federal 53695
conditions and restrictions that apply to the use of grants 53696
received by the department of job and family services shall apply 53697
to the use of the grants received by the local areas from the 53698
department. 53699

(E) A written grant agreement entered into under division (B) 53700
of this section shall: 53701

(1) Identify the chief elected officials for the local area; 53702

(2) Provide for the incorporation of the local workforce 53703
development plan; 53704

(3) Include the chief elected officials' assurance that the 53705
local area and any subgrantee or contractor of the local area will 53706
do all of the following: 53707

(a) Ensure that the financial assistance awarded under the 53708
grant agreement is used, and the workforce development duties 53709
included in the agreement are performed, in accordance with 53710
requirements established by the department or any of the 53711
following: federal or state law, the state plan for receipt of 53712
federal financial participation, grant agreements between the 53713
department and a federal agency, or executive orders. 53714

(b) Ensure that the chief elected officials and any 53715
subgrantee or contractor of the local area utilize a financial 53716
management system and other accountability mechanisms that meet 53717
requirements the department establishes; 53718

(c) Require the chief elected officials and any subgrantee or 53719
contractor of the local area to do both of the following: 53720

(i) Monitor all private and government entities that receive a payment from financial assistance awarded under the grant agreement to ensure that each entity uses the payment in accordance with requirements for the workforce development duties included in the agreement; 53721
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(ii) Take action to recover payments that are not used in accordance with the requirements for the workforce development duties that are included in the agreement. 53726
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(d) Require the chief elected officials of a local area to promptly reimburse the department the amount that represents the amount a local area is responsible for of funds the department pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty; 53729
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(e) Require chief elected officials of a local area to take prompt corrective action if the department, auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with requirements for a workforce development duty included in the agreement determines compliance has not been achieved; 53735
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(4) Provide that the award of financial assistance is subject to the availability of federal funds and appropriations made by the general assembly; 53741
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(5) Provide for annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code. 53744
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(6) Establish the method of amending or terminating the grant agreement and an expedited process for correcting terms or conditions of the agreement that the director and the chief elected officials agree are erroneous. 53747
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(7) Provide for the department of job and family services to award financial assistance for the workforce development duties included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under division (F) of this section. 53751
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(8) Determine the dates that the grant agreement begins and ends. 53756
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(F)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing grant agreements. The director shall adopt the rules as if they were internal management rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded under the agreements and may do any of the following: 53758
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(a) Govern the establishment of consolidated funding allocations and other allocations; 53764
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(b) Specify allowable uses of financial assistance awarded under the agreements; 53766
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(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department or any of the following: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal entity, or executive order. 53768
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(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement. 53776
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Sec. 5101.201. The director of job and family services may enter into agreements with one-stop operators and one-stop 53779
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partners for the purpose of implementing the requirements of 53781
section 121 of the "Workforce Investment Act of 1998," 112 Stat. 53782
936, 29 U.S.C. 2801. 53783

~~Sec. 5101.21. (A) As used in sections 5101.21 to 5101.24 of~~ 53784
~~the Revised Code, "workforce development agency" and "workforce~~ 53785
~~development activity" have the same meanings as in section 6301.01~~ 53786
~~of the Revised Code~~ this section, "county signer" means all of the 53787
following: 53788

(1) A board of county commissioners; 53789

(2) A county children services board appointed under section 53790
5153.03 of the Revised Code if required by division (B) of this 53791
section to enter into a fiscal agreement; 53792

(3) A county elected official that is a child support 53793
enforcement agency if required by division (B) of this section to 53794
enter into a fiscal agreement. 53795

(B) The director of job and family services ~~shall~~ may enter 53796
into a one or more written ~~partnership agreement~~ fiscal agreements 53797
with each ~~board~~ boards of county commissioners. 53798

~~(C)(1) Each partnership agreement shall include provisions~~ 53799
~~regarding the administration and design of all of the following:~~ 53800

~~(a) The Ohio works first program established under Chapter~~ 53801
~~5107. of the Revised Code;~~ 53802

~~(b) The prevention, retention, and contingency program~~ 53803
~~established under Chapter 5108. of the Revised Code;~~ 53804

~~(c) Duties assumed by a county department of job and family~~ 53805
~~services pursuant to an agreement entered into under section~~ 53806
~~329.05 of the Revised Code;~~ 53807

~~(d) Any other county department of job and family services~~ 53808
~~that the director and board mutually agree to include in~~ 53809

~~the agreement;~~ 53810

~~(e) If, for the purpose of Chapter 6301. of the Revised Code,~~ 53811
~~the county the board serves is a local area defined in division~~ 53812
~~(A)(2) or (3) of section 6301.01 of the Revised Code, workforce~~ 53813
~~development activities provided by the workforce development~~ 53814
~~agency established or designated for the local area.~~ 53815

~~(2) Each partnership agreement may include provisions~~ 53816
~~regarding the administration and design of the duties of child~~ 53817
~~support enforcement agencies and public children services agencies~~ 53818
~~included in a plan of cooperation entered into under section~~ 53819
~~307.983 of the Revised Code that the director and board mutually~~ 53820
~~agree to include in the agreement.~~ 53821

~~(D) Family services duties and workforce development~~ 53822
~~activities included in a partnership agreement shall be vested in~~ 53823
~~the board of county commissioners. The agreement shall comply with~~ 53824
~~federal statutes and regulations, state statutes, and, except as~~ 53825
~~provided in division (D)(9) of this section, state rules governing~~ 53826
~~the family services duties or workforce development activities~~ 53827
~~included in the agreement.~~ 53828

A partnership under which financial assistance is awarded for 53829
family services duties included in the agreements. Boards of 53830
county commissioners shall select which family services duties to 53831
include in a fiscal agreement. If a board of county commissioners 53832
elects to include family services duties of a public children 53833
services agency and a county children services board appointed 53834
under section 5153.03 of the Revised Code serves as the county's 53835
public children services agency, the board of county commissioners 53836
and county children services board shall jointly enter into the 53837
fiscal agreement with the director. If a board of county 53838
commissioners elects to include family services duties of a child 53839
support enforcement agency and the entity designated under former 53840
section 2301.35 of the Revised Code prior to October 1, 1997, or 53841

~~designated under section 307.981 of the Revised Code as the~~ 53842
~~county's child support enforcement agency is an elected official~~ 53843
~~of the county, the board of county commissioners and county~~ 53844
~~elected official shall jointly enter into the fiscal agreement~~ 53845
~~with the director. A fiscal agreement shall include~~ 53846
~~responsibilities that the state department of job and family~~ 53847
~~services, county family services agencies administering family~~ 53848
~~services duties included in the agreement, and workforce~~ 53849
~~development agencies administering workforce development~~ 53850
~~activities included in the agreement must satisfy. The agreement~~ 53851
~~shall establish, specify, or provide for do all of the following:~~ 53852

(1) ~~Requirements governing the administration and design of,~~ 53853
~~and county family services agencies' or workforce development~~ 53854
~~agencies' cooperation to enhance, family services duties or~~ 53855
~~workforce development activities included in the agreement Specify~~ 53856
~~the family services duties included in the agreement and the~~ 53857
~~private and government entities designated under section 307.981~~ 53858
~~of the Revised Code to serve as the county family services~~ 53859
~~agencies performing the family services duties;~~ 53860

(2) ~~Outcomes that county family services agencies or~~ 53861
~~workforce development agencies are expected to achieve from the~~ 53862
~~administration and design of family services duties or workforce~~ 53863
~~development activities included in the agreement and assistance,~~ 53864
~~services, and technical support the state department will provide~~ 53865
~~the county family services agencies or workforce development~~ 53866
~~agencies to aid the agencies in achieving the expected outcomes~~ 53867
~~Provide for the department of job and family services to award~~ 53868
~~financial assistance for the family services duties included in~~ 53869
~~the agreement in accordance with a methodology for determining the~~ 53870
~~amount of the award established by rules adopted under division~~ 53871
~~(D) of this section;~~ 53872

(3) ~~Performance and other administrative standards county~~ 53873

~~family services agencies or workforce development agencies are~~ 53874
~~required to meet in the design, administration, and outcomes of~~ 53875
~~family services duties or workforce development activities~~ 53876
~~included in the agreement and assistance, services, and technical~~ 53877
~~support the state department will provide the county family~~ 53878
~~services agencies or workforce development agencies to aid the~~ 53879
~~agencies in meeting the performance and other administrative~~ 53880
~~standards Specify the form of the award of financial assistance~~ 53881
~~which may be an allocation, cash draw, reimbursement, property,~~ 53882
~~or, to the extent authorized by an appropriation made by the~~ 53883
~~general assembly and to the extent practicable and not in conflict~~ 53884
~~with a federal or state law, a consolidated funding allocation for~~ 53885
~~two or more family services duties included in the agreement;~~ 53886

(4) ~~Criteria and methodology the state department will use to~~ 53887
~~evaluate whether expected outcomes are achieved and performance~~ 53888
~~and other administrative standards are met and county family~~ 53889
~~services agencies or workforce development agencies will use to~~ 53890
~~evaluate whether the state department is providing agreed upon~~ 53891
~~assistance, services, and technical support Provide that the award~~ 53892
~~of financial assistance is subject to the availability of federal~~ 53893
~~funds and appropriations made by the general assembly;~~ 53894

(5) ~~Annual~~ Specify annual financial, administrative, or other 53895
incentive awards, if any, to be provided in accordance with 53896
section 5101.23 of the Revised Code; 53897

(6) ~~The state~~ Include the assurance of each county signer 53898
that the county signer will do all of the following: 53899

(a) Ensure that the financial assistance awarded under the 53900
agreement is used, and the family services duties included in the 53901
agreement are performed, in accordance with requirements for the 53902
duties established by the department, a federal or state law, or 53903
any of the following that concern the family services duties 53904
included in the fiscal agreement and are published under section 53905

<u>5101.212 of the Revised Code: state plans for receipt of federal</u>	53906
<u>financial participation, grant agreements between the department</u>	53907
<u>and a federal agency, and executive orders issued by the governor;</u>	53908
<u>(b) Ensure that the board and county family services agencies</u>	53909
<u>utilize a financial management system and other accountability</u>	53910
<u>mechanisms for the financial assistance awarded under the</u>	53911
<u>agreement that meet requirements the department establishes;</u>	53912
<u>(c) Require the county family services agencies to do both of</u>	53913
<u>the following:</u>	53914
<u>(i) Monitor all private and government entities that receive</u>	53915
<u>a payment from financial assistance awarded under the agreement to</u>	53916
<u>ensure that each entity uses the payment in accordance with</u>	53917
<u>requirements for the family services duties included in the</u>	53918
<u>agreement;</u>	53919
<u>(ii) Take action to recover payments that are not used in</u>	53920
<u>accordance with the requirements for the family services duties</u>	53921
<u>included in the agreement.</u>	53922
<u>(d) Require county family services agencies to promptly</u>	53923
<u>reimburse the department the amount that represents the amount an</u>	53924
<u>agency is responsible for, pursuant to action the department takes</u>	53925
<u>under division (C) of section 5101.24 of the Revised Code, of</u>	53926
<u>funds the department pays to any entity because of an adverse</u>	53927
<u>audit finding, adverse quality control finding, final disallowance</u>	53928
<u>of federal financial participation, or other sanction or penalty;</u>	53929
<u>(e) Require county family services agencies to take prompt</u>	53930
<u>corrective action, including paying amounts resulting from an</u>	53931
<u>adverse finding, sanction, or penalty, if the department, auditor</u>	53932
<u>of state, federal agency, or other entity authorized by federal or</u>	53933
<u>state law to determine compliance with requirements for a family</u>	53934
<u>services duty included in the agreement determines compliance has</u>	53935
<u>not been achieved;</u>	53936

(f) If the department establishes a consolidated funding allocation for two or more family services duties included in the agreement, require the county family services agencies to use funds available in the consolidated funding allocation only for the purpose for which the funds are appropriated. 53937
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(7) Provide for the department taking action pursuant to division (C) of section 5101.24 of the Revised Code if authorized by division (B)(1), (2), ~~or (3)~~, or (4) of that section applies; 53942
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~~(7) The funding of family services duties or workforce development activities included in the agreement and whether the state department will establish a consolidated funding allocation under division (E) of this section. The agreement shall either specify the amount of payments to be made for the family services duties or workforce development activities included in the agreement or the method that will be used to determine the amount of payments.~~ 53945
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~~(8) Audits~~ Provide for timely audits required by federal statutes and regulations and state law and requirements for require prompt release of audit findings and prompt action to correct problems identified in an audit; 53953
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~~(9) Which, if any, of the state department's rules will be waived so that a policy provided for in the agreement may be implemented~~ Comply with all of the requirements for the family services duties that are included in the agreement and have been established by the department, federal or state law, or any of the following that concern the family services duties included in the fiscal agreement and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal agency, and executive orders issued by the governor; 53957
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~~(10) The~~ Provide for dispute resolution procedures in 53967

accordance with section 5101.24 of the Revised Code; 53968

(11) Establish the method of amending or terminating the 53969
agreement and an expedited process for correcting terms or 53970
conditions of the agreement that the director and board of each 53971
county commissioners signer agree are erroneous; 53972

~~(11) Dispute resolution procedures for anticipated and~~ 53973
~~unanticipated disputes. The agreement may establish different~~ 53974
~~dispute resolution procedures for different types of disputes.~~ 53975
~~Dispute resolution procedures may include negotiation, mediation,~~ 53976
~~arbitration, adjudication conducted by a hearing officer or~~ 53977
~~fact finding panel, and other procedures.~~ 53978

~~(12) The date the agreement is to commence or~~ 53979
~~provided in rules adopted under division (D) of this section,~~ 53980
~~begin on the first day of July of an odd-numbered year and end on~~ 53981
~~the last day of June of the next odd-numbered year. An agreement~~ 53982
~~may not commence before it is entered into nor end later than the~~ 53983
~~last day of the state fiscal biennium for which it is entered~~ 53984
~~into.~~ 53985

~~(13) If workforce development activities are included in the~~ 53986
~~agreement, all of the following:~~ 53987

~~(a) The workforce development plan prepared under section~~ 53988
~~6301.07 of the Revised Code to be attached to and incorporated~~ 53989
~~into the agreement;~~ 53990

~~(b) A description of the services, and a list of the core~~ 53991
~~services, provided in the one stop system for workforce~~ 53992
~~development activities the county served by the board participates~~ 53993
~~in under section 6301.06 of the Revised Code to be included in the~~ 53994
~~agreement;~~ 53995

~~(c) If the county served by the board of county commissioners~~ 53996
~~is in the type of local area defined in division (A)(3) of section~~ 53997
~~6301.01 of the Revised Code, the method and manner by which the~~ 53998

~~board of county commissioners of each county and the chief elected official of a municipal corporation in the local area shall coordinate workforce development activities and resolve disagreements concerning either of the following:~~ 53999
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~~(i) Choices concerning specifically who to appoint to the workforce policy board created under section 6301.06 of the Revised Code, within the criteria for membership set forth in that section;~~ 54003
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~~(ii) Whether a member of the workforce policy board is performing satisfactorily for purposes of serving at the pleasure of the chief elected officials of the local area.~~ 54007
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~~(14) Other provisions determined necessary by the state department, board, county family services agency, and workforce development agency.~~ 54010
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~~(E)(C) The state department shall make payments authorized by a partnership fiscal agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out family services duties or workforce development activities vested in the board of county commissioners under included in the agreement, including funds for personal services and maintenance.~~ 54013
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~~(F)(1) To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the director may establish a consolidated funding allocation for any of the following:~~ 54019
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~~(a) Two or more family services duties included in the agreement;~~ 54023
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~~(b) Two or more workforce development activities included in the agreement;~~ 54025
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~~(c) One or more family services duties and workforce development activities included in the agreement.~~ 54027
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~~(2) The consolidated funding allocation may be for either of the following:~~ 54029
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~~(a) A county that is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code;~~ 54031
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~~(b) Two or more counties, or a municipal corporation and one or more counties, in the type of local area defined in division (A)(3) of section 6301.01 of the Revised Code that are coordinating and integrating workforce development activities in the local area.~~ 54033
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~~(3) A county family services agency or workforce development agency shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.~~ 54038
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(D)(1) The director shall adopt rules in accordance with section 111.15 of the Revised Code governing fiscal agreements. The director shall adopt the rules as if they were internal management rules. Before adopting the rules, the director shall give the public an opportunity to review and comment on the proposed rules. The rules shall establish methodologies to be used to determine the amount of financial assistance to be awarded under the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of July of an odd-numbered year. The rules may do any or all of the following: 54042
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(a) Govern the establishment of consolidated funding allocations and specify the time period for which a consolidated funding allocation is to be provided if the effective date of the agreement is after the first day of July of an odd-numbered year, which may include a time period before the effective date of the agreement; 54053
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(b) Govern the establishment of other allocations; 54059

<u>(c) Specify allowable uses of financial assistance awarded under the agreements;</u>	54060
	54061
<u>(d) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of financial assistance awarded under the agreements and determine compliance with requirements established by the department, a federal or state law, or any of the following that concern the family services duties included in the agreements and are published under section 5101.212 of the Revised Code: state plans for receipt of federal financial participation, grant agreements between the department and a federal entity, and executive orders issued by the governor.</u>	54062
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<u>(2) A requirement of a fiscal agreement established by a rule adopted under this division is applicable to a fiscal agreement without having to be restated in the fiscal agreement.</u>	54072
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<u>Sec. 5101.211.</u> (A) <u>Except as provided in division (B) of this section, the director of job and family services may provide for a fiscal agreement entered into under section 5101.21 of the Revised Code to have a retroactive effective date of the first day of July of an odd-numbered year if both of the following are the case:</u>	54075
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<u>(1) The agreement is entered into after that date and before the last day of that July.</u>	54081
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<u>(2) The board of county commissioners requests the retroactive effective date and provides the director good cause satisfactory to the director for the reason the agreement was not entered into on or before the first day of that July.</u>	54083
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<u>(B) The director may provide for a fiscal agreement to have a retroactive effective date of July 1, 2003, if both of the following are the case:</u>	54087
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(1) The agreement is entered into after July 1, 2003, and 54090
before August 29, 2003. 54091

(2) The board of county commissioners requests the 54092
retroactive effective date. 54093

Sec. 5101.212. The department of job and family services 54094
shall publish in a manner accessible to the public all of the 54095
following that concern family services duties included in fiscal 54096
agreements entered into under section 5101.21 of the Revised Code: 54097
state plans for receipt of federal financial participation, grant 54098
agreements between the department and a federal agency, and 54099
executive orders issued by the governor. The department may 54100
publish the materials electronically or otherwise. 54101

Sec. 5101.213. (A) Except as provided in section 5101.211 of 54102
the Revised Code, if a fiscal agreement under section 5101.21 of 54103
the Revised Code between the director of job and family services 54104
and a board of county commissioners is not in effect, all of the 54105
following apply: 54106

(1) The department of job and family services shall award to 54107
the county the board serves financial assistance for family 54108
services duties in accordance with a methodology for determining 54109
the amount of the award established by rules adopted under 54110
division (B) of this section. 54111

(2) The financial assistance may be provided in the form of 54112
allocations, cash draws, reimbursements, and property but may not 54113
be made in the form of a consolidated funding allocation. 54114

(3) The award of the financial assistance is subject to the 54115
availability of federal funds and appropriations made by the 54116
general assembly. 54117

(4) The county family services agencies performing the family 54118

<u>services duties for which the financial assistance is awarded</u>	54119
<u>shall do all of the following:</u>	54120
<u>(a) Use the financial assistance, and perform the family</u>	54121
<u>services duties, in accordance with requirements for the duties</u>	54122
<u>established by the department, a federal or state law, or any of</u>	54123
<u>the following that concern the duties: state plans for receipt of</u>	54124
<u>federal financial participation, grant agreements between the</u>	54125
<u>department and a federal agency, and executive orders issued by</u>	54126
<u>the governor;</u>	54127
<u>(b) Utilize a financial management system and other</u>	54128
<u>accountability mechanisms for the financial assistance that meet</u>	54129
<u>requirements the department establishes;</u>	54130
<u>(c) Monitor all private and government entities that receive</u>	54131
<u>a payment from the financial assistance to ensure that each entity</u>	54132
<u>uses the payment in accordance with requirements for the family</u>	54133
<u>services duties and take action to recover payments that are not</u>	54134
<u>used in accordance with the requirements for the family services</u>	54135
<u>duties;</u>	54136
<u>(d) Promptly reimburse the department the amount that</u>	54137
<u>represents the amount an agency is responsible for, pursuant to</u>	54138
<u>action the department takes under division (C) of section 5101.24</u>	54139
<u>of the Revised Code, of funds the department pays to any entity</u>	54140
<u>because of an adverse audit finding, adverse quality control</u>	54141
<u>finding, final disallowance of federal financial participation, or</u>	54142
<u>other sanction or penalty;</u>	54143
<u>(e) Take prompt corrective action, including paying amounts</u>	54144
<u>resulting from an adverse finding, sanction, or penalty, if the</u>	54145
<u>department, auditor of state, federal agency, or other entity</u>	54146
<u>authorized by federal or state law to determine compliance with</u>	54147
<u>requirements for a family services duty determines compliance has</u>	54148
<u>not been achieved.</u>	54149

(B) The director shall adopt rules in accordance with section 54150
111.15 of the Revised Code as necessary to implement this section. 54151
The director shall adopt the rules as if they were internal 54152
management rules. Before adopting the rules, the director shall 54153
give the public an opportunity to review and comment on the 54154
proposed rules. The rules shall establish methodologies to be used 54155
to determine the amount of financial assistance to be awarded and 54156
may do any or all of the following: 54157

(1) Govern the establishment of funding allocations; 54158

(2) Specify allowable uses of financial assistance the 54159
department awards under this section; 54160

(3) Establish reporting, cash management, audit, and other 54161
requirements the director determines are necessary to provide 54162
accountability for the use of the financial assistance and 54163
determine compliance with requirements established by the 54164
department, a federal or state law, or any of the following that 54165
concern the family services duties for which the financial 54166
assistance is awarded: state plans for receipt of federal 54167
financial participation, grant agreements between the department 54168
and a federal entity, and executive orders issued by the governor. 54169

Sec. ~~5101.211~~ 5101.214. The director of job and family 54170
services may enter into a written agreement with one or more state 54171
agencies, as defined in section 117.01 of the Revised Code, and 54172
state universities and colleges to assist in the coordination, 54173
provision, or enhancement of the family services duties of a 54174
county family services agency or the workforce development 54175
activities of a workforce development agency. The director also 54176
may enter into written agreements or contracts with, or issue 54177
grants to, private and government entities under which funds are 54178
provided for the enhancement or innovation of family services 54179
duties or workforce development activities on the state or local 54180

~~level. The terms of an agreement, contract, or grant under this section may be incorporated into a partnership agreement the director enters into with a board of county commissioners under section 5101.21 or with the chief elected official of a municipal corporation under section 5101.213 of the Revised Code, if the director and board or chief elected official and state agency, state university or college, or private or government entity agree.~~

The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. ~~5101.212~~ 5101.215. If the director of job and family services enters into an agreement or contracts with, or issues a grant to, a religious organization under section ~~5101.211~~ 5101.214 of the Revised Code, the religious organization shall comply with section 104 of the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193).

Sec. 5101.216. The director of job and family services may enter into one or more written operational agreements with boards of county commissioners to do one or more of the following regarding family services duties:

(A) Provide for the director to amend or rescind a rule the director previously adopted;

(B) Provide for the director to modify procedures or establish alternative procedures to accommodate special circumstances in a county;

(C) Provide for the director and board to jointly identify operational problems of mutual concern and develop a joint plan to address the problems;

(D) Establish a framework for the director and board to

modify the use of existing resources in a manner that is 54211
beneficial to the department of job and family services and the 54212
county that the board serves and improves family services duties 54213
for the recipients of the services. 54214

Sec. 5101.22. The department of job and family services may 54215
establish performance and other administrative standards for the 54216
administration and outcomes of family services duties ~~and~~ 54217
~~workforce development activities~~ and determine at intervals the 54218
department decides the degree to which a county family services 54219
agency ~~or workforce development agency~~ complies with a performance 54220
or other administrative standard. The department may use 54221
statistical sampling, performance audits, case reviews, or other 54222
methods it determines necessary and appropriate to determine 54223
compliance with performance and administrative standards. 54224

~~A performance or other administrative standard established~~ 54225
~~under this section for a family service duty or workforce~~ 54226
~~development activity does not apply to a county family services~~ 54227
~~agency or workforce development agency administering the duty if a~~ 54228
~~different performance or administrative standard is specified for~~ 54229
~~the agency's administration of the duty or activity pursuant to a~~ 54230
~~partnership agreement entered into under section 5101.21 or~~ 54231
~~5101.213 of the Revised Code.~~ 54232

Sec. 5101.221. (A) Except as provided by division (C) of this 54233
section, if the department of job and family services determines 54234
that a county family services agency has failed to comply with a 54235
performance or other administrative standard established under 54236
section 5101.22 of the Revised Code or by federal law for the 54237
administration or outcome of a family services duty, the 54238
department shall require the agency to develop, submit to the 54239
department for approval, and comply with a corrective action plan. 54240
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(B) If a county family services agency fails to develop, submit to the department, or comply with a corrective action plan under division (A) of this section, or the department disapproves the agency's corrective action plan, the department may require the agency to develop, submit to the department for approval, and comply with a corrective action plan that requires the agency to commit existing resources to the plan. 54242
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(C) The department may not require a county family services agency to take action under this section for failure to comply with a performance or other administrative standard established for an incentive awarded by the department. Instead, the department may require a county family services agency that fails to comply with that kind of performance or other administrative standard to take action in accordance with rules adopted by the department governing the standard. 54249
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(D) At the request of a county family services agency, the department shall assist the agency with the development of a corrective action plan under this section and provide the agency technical assistance in the implementation of the plan. 54257
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Sec. 5101.222. The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code to implement sections 5101.22 to 5101.222 of the Revised Code. If the director adopts the rules, the director shall adopt the rules as if they were internal management rules. 54261
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Sec. 5101.24. (A) As used in this section, "responsible entity" means ~~the following:~~ 54266
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~~(1) If the family services duty or workforce development activity involved is included in a partnership agreement a board of county commissioners and the director of job and family services enters into under section 5101.21 of the Revised Code,~~ 54268
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~~the board regardless of the fact that or a county family services 54272
agency performs the family services duty or a workforce 54273
development agency performs the workforce development activity. 54274~~

~~(2) If the family services duty or workforce development 54275
activity involved is not included in a partnership agreement, the 54276
county family services agency or workforce development agency, 54277
whichever the director of job and family services determines is 54278
appropriate to take action against under division (C) of this 54279
section. 54280~~

~~(B) The Regardless of whether a family services duty is 54281
performed by a county family services agency, private or 54282
government entity pursuant to a contract entered into under 54283
section 307.982 of the Revised Code or division (C)(2) of section 54284
5153.16 of the Revised Code, or private or government provider of 54285
a family service duty, the department of job and family services 54286
may take action under division (C) of this section against the 54287
responsible entity if the department determines any of the 54288
following ~~apply to the county family services agency performing 54289~~
~~the family services duty or workforce development agency providing 54290~~
~~the workforce development activity are the case: 54291~~~~

~~(1) The agency fails to meet a performance standard specified 54292
in a partnership agreement entered into under section 5101.21 or 54293
established A requirement of a fiscal agreement entered into under 54294
section 5101.21 of the Revised Code that includes the family 54295
services duty, including a requirement for fiscal agreements 54296
established by rules adopted under that section, is not complied 54297
with; 54298~~

~~(2) A county family services agency fails to develop, submit 54299
to the department, or comply with a corrective action plan under 54300
division (B) of section 5101.221 of the Revised Code, or the 54301
department disapproves the agency's corrective action plan 54302
developed under division (B) of section 5101.22 5101.221 of the 54303~~

Revised Code ~~for the duty or activity;~~ 54304

~~(2) The agency fails to comply with a (3) A requirement for~~ 54305
~~the family services duty established by the department or any of~~ 54306
~~the following is not complied with: a federal statute or~~ 54307
~~regulations, state statute, or a department rule for the duty or~~ 54308
~~activity law, state plan for receipt of federal financial~~ 54309
~~participation, grant agreement between the department and a~~ 54310
~~federal agency, or executive order issued by the governor;~~ 54311

~~(3)(4) The agency responsible entity is solely or partially~~ 54312
~~responsible, as determined by the director of job and family~~ 54313
~~services, for an adverse audit or finding, adverse quality control~~ 54314
~~finding, final disallowance of federal financial participation, or~~ 54315
~~other sanction or penalty regarding the family services duty or~~ 54316
~~activity.~~ 54317

(C) The department may take one or more of the following 54318
actions against the responsible entity ~~if when authorized by~~ 54319
~~division (B)(1), (2), or (3), or (4) of this section applies:~~ 54320

(1) Require the responsible entity to ~~submit to and~~ comply 54321
with a corrective action plan pursuant to a time schedule 54322
specified by the department. ~~The corrective action plan shall be~~ 54323
~~established or approved by the department and shall not require a~~ 54324
~~county family services agency to commit resources to the plan.~~ 54325

(2) ~~Require the responsible entity to comply with a~~ 54326
~~corrective action plan pursuant to a time schedule specified by~~ 54327
~~the department. The corrective action plan shall be established or~~ 54328
~~approved by the department and require a county family services~~ 54329
~~agency to commit to the plan existing resources identified by the~~ 54330
~~agency.~~ 54331

~~(3) Require the responsible entity to do one of the~~ 54332
~~following:~~ 54333

(a) Share with the department a final disallowance of federal 54334

financial participation or other sanction or penalty; 54335

(b) Reimburse the department the final amount the department 54336
pays to the federal government or another entity that represents 54337
the amount the ~~agency~~ responsible entity is responsible for of an 54338
adverse audit ~~or~~ finding, adverse quality control finding, final 54339
disallowance of federal financial participation, or other sanction 54340
or penalty issued by the federal government, auditor of state, or 54341
other entity; 54342

(c) Pay the federal government or another entity the final 54343
amount that represents the amount the ~~agency~~ responsible entity is 54344
responsible for of an adverse audit ~~or~~ finding, adverse quality 54345
control finding, final disallowance of federal financial 54346
participation, or other sanction or penalty issued by the federal 54347
government, auditor of state, or other entity; 54348

(d) Pay the department the final amount that represents the 54349
amount the responsible entity is responsible for of an adverse 54350
audit finding or adverse quality control finding. 54351

~~(3)~~(4) Impose a ~~financial or~~ an administrative sanction ~~or~~ 54352
~~adverse audit~~ issued by the department against the responsible 54353
entity. A sanction may be increased if the department has 54354
previously taken action against the responsible entity under this 54355
division. 54356

~~(4)~~(5) Perform, or contract with a government or private 54357
entity for the entity to perform, the family services duty ~~or~~ 54358
~~workforce development activity~~ until the department is satisfied 54359
that the responsible entity ensures that the duty ~~or activity~~ will 54360
be performed satisfactorily. If the department performs or 54361
contracts with an entity to perform a family services duty ~~or~~ 54362
~~workforce development activity~~ under division (C)~~(4)~~(5) of this 54363
section, the department may do either or both of the following: 54364

(a) Spend funds in the county treasury appropriated by the 54365

board of county commissioners for the duty ~~or activity~~; 54366

(b) Withhold funds allocated or reimbursements due to the 54367
responsible entity for the duty ~~or activity~~ and spend the funds 54368
for the duty ~~or activity~~. 54369

~~(5)~~(6) Request that the attorney general bring mandamus 54370
proceedings to compel the responsible entity to take or cease the 54371
action that causes division (B)(1), (2), ~~or (3)~~, or (4) of this 54372
section to apply. The attorney general shall bring mandamus 54373
proceedings in the Franklin county court of appeals at the 54374
department's request. 54375

(7) If the department takes action under this division 54376
because of division (B)(3) of this section, temporarily withhold 54377
funds allocated or reimbursement due to the responsible entity 54378
until the department determines that the responsible entity is in 54379
compliance with the requirement. The department shall release the 54380
funds when the department determines that compliance has been 54381
achieved. 54382

(D) If the department ~~decides~~ proposes to take action against 54383
the responsible entity under division (C) of this section, the 54384
department shall notify the responsible entity and county auditor. 54385
The notice shall be in writing and specify the action the 54386
department proposes to take. The department shall send the notice 54387
by regular United States mail. 54388

~~The~~ Except as provided by division (E) of this section, the 54389
responsible entity may request an administrative review of a 54390
proposed action, ~~other than a proposed action under division~~ 54391
~~(C)(5) of this section, by sending a written request to the~~ 54392
~~department not later than~~ in accordance with administrative review 54393
procedures the department shall establish. The administrative 54394
review procedures shall comply with all of the following: 54395

(1) A request for an administrative review shall state 54396

specifically all of the following: 54397

(a) The proposed action specified in the notice from the department for which the review is requested; 54398
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(b) The reason why the responsible entity believes the proposed action is inappropriate; 54400
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(c) All facts and legal arguments that the responsible entity wants the department to consider; 54402
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(d) The name of the person who will serve as the responsible entity's representative in the review. 54404
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(2) If the department's notice specifies more than one proposed action and the responsible entity does not specify all of the proposed actions in its request pursuant to division (D)(1)(a) of this section, the proposed actions not specified in the request shall not be subject to administrative review and the parts of the notice regarding those proposed actions shall be final and binding on the responsible entity. 54406
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(3) In the case of a proposed action under division (C)(1) of this section, the responsible entity shall have fifteen calendar days after the department mails the notice to the responsible entity to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request. ~~The~~ or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible entity shall attempt an informal opportunity to resolve any dispute during that fifteen-day or extended period. 54413
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~~(2)~~(4) In the case of a proposed action under division (C)(2), (3), (4), (5), or (7) of this section, forty-five the responsible entity shall have thirty calendar days after the 54425
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department mails the notice to the responsible entity to send a 54428
written request to the department for an administrative review. 54429
~~The administrative review shall be limited solely to the issue of~~ 54430
~~the amount the responsible entity shall share with the department,~~ 54431
~~reimburse the department, or pay to the federal government or~~ 54432
~~another entity under division (C)(2) of this section. The If it~~ 54433
~~receives such a request within the required time, the department~~ 54434
~~shall postpone taking action under division (C)(2), (3), (4), (5),~~ 54435
~~or (7) of this section for thirty calendar days following the day~~ 54436
~~it receives the request or extended period of time provided for in~~ 54437
~~division (D)(5) of this section to allow a representative of the~~ 54438
~~department and a representative of the responsible entity shall~~ 54439
~~attempt an informal opportunity to resolve any dispute within~~ 54440
~~sixty days during that thirty-day or extended period.~~ 54441

~~(3) In the case of a proposed action under division (C)(3) or~~ 54442
~~(4) of this section, forty five days after the department mails~~ 54443
~~the notice to the responsible entity. The department and~~ 54444
~~responsible entity shall attempt to resolve any dispute within~~ 54445
~~sixty days.~~ 54446

~~If the department and responsible entity fail to resolve any~~ 54447
~~dispute within the required time, the department shall conduct a~~ 54448
~~hearing in accordance with Chapter 119. of the Revised Code,~~ 54449
~~except that the department, notwithstanding section 119.07 of the~~ 54450
~~Revised Code, is not required to schedule the hearing within~~ 54451
~~fifteen days of the responsible entity's request.~~ 54452

~~(E)(5) If the informal opportunity provided in division~~ 54453
~~(D)(3) or (4) of this section does not result in a written~~ 54454
~~resolution to the dispute within the fifteen- or thirty-day~~ 54455
~~period, the director of job and family services and representative~~ 54456
~~of the responsible entity may enter into a written agreement~~ 54457
~~extending the time period for attempting an informal resolution of~~ 54458
~~the dispute under division (D)(3) or (4) of this section.~~ 54459

(6) In the case of a proposed action under division (C)(3) of this section, the responsible entity may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department. 54460
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(7) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity. 54466
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(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is the subject of the dispute and serves a different county than the county served by the responsible entity. No individual involved in the department's proposal to take action against the responsible entity may serve on the review panel. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(3) of this section shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(3) of this section. The review panel is not 54471
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required to make a stenographic record of its hearing or other 54492
proceedings. 54493

(9) After finishing an administrative review, an 54494
administrative review panel appointed under division (D)(8) of 54495
this section shall submit a written report to the director setting 54496
forth its findings of fact, conclusions of law, and 54497
recommendations for action. The director may approve, modify, or 54498
disapprove the recommendations. If the director modifies or 54499
disapproves the recommendations, the director shall state the 54500
reasons for the modification or disapproval and the actions to be 54501
taken against the responsible entity. 54502

(10) The director's approval, modification, or disapproval 54503
under division (D)(9) of this section shall be final and binding 54504
on the responsible entity and shall not be subject to further 54505
departmental review. 54506

(E) The responsible entity is not entitled to an 54507
administrative review under division (D) of this section for any 54508
of the following: 54509

(1) An action taken under division (C)(6) of this section; 54510

(2) An action taken under section 5101.242 of the Revised 54511
Code; 54512

(3) An action taken under division (C)(3) of this section if 54513
the federal government, auditor of state, or entity other than the 54514
department has identified the county family services agency as 54515
being solely or partially responsible for an adverse audit 54516
finding, adverse quality control finding, final disallowance of 54517
federal financial participation, or other sanction or penalty; 54518

(4) An adjustment to an allocation, cash draw, advance, or 54519
reimbursement to a county family services agency that the 54520
department determines necessary for budgetary reasons; 54521

(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code. 54522
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(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section. 54525
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(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. 54530
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Sec. 5101.241. (A) As used in this section: 54533

(1) "Local area" and "chief elected official" have the same meaning as in section 5101.20 of the Revised Code. 54534
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(2) "Responsible entity" means the chief elected officials of a local area. 54536
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(B) The department of job and family services may take action under division (C) of this section against the responsible entity, regardless of who performs the workforce development activity, if the department determines any of the following are the case: 54538
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(1) A requirement of a grant agreement entered into under section 5101.20 of the Revised Code that includes the workforce development activity, including a requirement for grant agreements established by rules adopted under that section, is not complied with; 54542
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(2) A performance standard for the workforce development activity established by the federal government or the department is not met; 54547
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(3) A requirement for the workforce development activity 54550

established by the department or any of the following is not 54551
complied with: a federal or state law, state plan for receipt of 54552
federal financial participation, grant agreement between the 54553
department and a federal agency, or executive order; 54554

(4) The responsible entity is solely or partially 54555
responsible, as determined by the director of job and family 54556
services, for an adverse audit finding, adverse quality control 54557
finding, final disallowance of federal financial participation, or 54558
other sanction or penalty regarding the workforce development 54559
activity. 54560

(C) The department may take one or more of the following 54561
actions against the responsible entity when authorized by division 54562
(B)(1), (2), (3), or (4) of this section: 54563

(1) Require the responsible entity to submit to and comply 54564
with a corrective action plan, established or approved by the 54565
department, pursuant to a time schedule specified by the 54566
department; 54567

(2) Require the responsible entity to do one of the 54568
following: 54569

(a) Share with the department a final disallowance of federal 54570
financial participation or other sanction or penalty; 54571

(b) Reimburse the department the amount the department pays 54572
to the federal government or another entity that represents the 54573
amount the responsible entity is responsible for of an adverse 54574
audit finding, adverse quality control finding, final disallowance 54575
of federal financial participation, or other sanction or penalty 54576
issued by the federal government, auditor of state, or other 54577
entity; 54578

(c) Pay the federal government or another entity the amount 54579
that represents the amount the responsible entity is responsible 54580
for of an adverse audit finding, adverse quality control finding, 54581

final disallowance of federal financial participation, or other 54582
sanction or penalty issued by the federal government, auditor of 54583
state, or other entity; 54584

(d) Pay the department the amount that represents the amount 54585
the responsible entity is responsible for of an adverse audit 54586
finding, adverse quality control finding, or other sanction or 54587
penalty issued by the department. 54588

(3) Impose a financial or administrative sanction or adverse 54589
audit finding issued by the department against the responsible 54590
entity, which may be increased with each subsequent action taken 54591
against the responsible entity. 54592

(4) Perform or contract with a government or private entity 54593
for the entity to perform the workforce development activity until 54594
the department is satisfied that the responsible entity ensures 54595
that the activity will be performed to the department's 54596
satisfaction. If the department performs or contracts with an 54597
entity to perform the workforce development activity under 54598
division (C)(4) of this section, the department may withhold funds 54599
allocated to or reimbursements due to the responsible entity for 54600
the activity and use those funds to implement division (C)(4) of 54601
this section. 54602

(5) Request the attorney general to bring mandamus 54603
proceedings to compel the responsible entity to take or cease the 54604
actions listed in division (B) of this section. The attorney 54605
general shall bring any mandamus proceedings in the Franklin 54606
county court of appeals at the department's request. 54607

(6) If the department takes action under this division 54608
because of division (B)(3) of this section, withhold funds 54609
allocated or reimbursement due to the responsible entity until the 54610
department determines that the responsible entity is in compliance 54611
with the requirement. The department shall release the funds when 54612

the department determines that compliance has been achieved. 54613

(D) The department shall notify the responsible entity and 54614
the appropriate county auditor when the department proposes to 54615
take action under division (C) of this section. The notice shall 54616
be in writing and specify the action the department proposes to 54617
take. The department shall send the notice by regular United 54618
States mail. Except as provided in division (E) of this section, 54619
the responsible entity may request an administrative review of a 54620
proposed action in accordance with administrative review 54621
procedures the department shall establish. The administrative 54622
review procedures shall comply with all of the following: 54623

(1) A request for an administrative review shall state 54624
specifically all of the following: 54625

(a) The proposed action specified in the notice from the 54626
department for which the review is requested; 54627

(b) The reason why the responsible entity believes the 54628
proposed action is inappropriate; 54629

(c) All facts and legal arguments that the responsible entity 54630
wants the department to consider; 54631

(d) The name of the person who will serve as the responsible 54632
entity's representative in the review. 54633

(2) If the department's notice specifies more than one 54634
proposed action and the responsible entity does not specify all of 54635
the proposed actions in its request pursuant to division (D)(1)(a) 54636
of this section, the proposed actions not specified in the request 54637
shall not be subject to administrative review and the parts of the 54638
notice regarding those proposed actions shall be final and binding 54639
on the responsible entity. 54640

(3) In the case of a proposed action under division (C)(1) of 54641
this section, the responsible entity shall have fifteen calendar 54642

days after the department mails the notice to the responsible 54643
entity to send a written request to the department for an 54644
administrative review. If it receives such a request within the 54645
required time, the department shall postpone taking action under 54646
division (C)(1) of this section for fifteen calendar days 54647
following the day it receives the request to allow a 54648
representative of the department and a representative of the 54649
responsible entity an informal opportunity to resolve any dispute 54650
during that fifteen-day period. 54651

(4) In the case of a proposed action under division (C)(2), 54652
(3), or (4) of this section, the responsible entity shall have 54653
thirty calendar days after the department mails the notice to the 54654
responsible entity to send a written request to the department for 54655
an administrative review. If it receives such a request within the 54656
required time, the department shall postpone taking action under 54657
division (C)(2), (3), or (4) of this section for thirty calendar 54658
days following the day it receives the request to allow a 54659
representative of the department and a representative of the 54660
responsible entity an informal opportunity to resolve any dispute 54661
during that thirty-day period. 54662

(5) In the case of a proposed action under division (C)(2) of 54663
this section, the responsible entity may not include in its 54664
request disputes over a finding, final disallowance of federal 54665
financial participation, or other sanction or penalty issued by 54666
the federal government, auditor of state, or other entity other 54667
than the department. 54668

(6) If the responsible entity fails to request an 54669
administrative review within the required time, the responsible 54670
entity loses the right to request an administrative review of the 54671
proposed actions specified in the notice and the notice becomes 54672
final and binding on the responsible entity. 54673

(7) If the informal opportunity provided in division (D)(3) 54674

or (4) of this section does not result in a written resolution to 54675
the dispute, the director of job and family services shall appoint 54676
an administrative review panel to conduct the administrative 54677
review. The review panel shall consist of department employees who 54678
are not involved in the department's proposal to take action 54679
against the responsible entity. The review panel shall review the 54680
responsible entity's request. The review panel may require that 54681
the department or responsible entity submit additional information 54682
and schedule and conduct an informal hearing to obtain testimony 54683
or additional evidence. A review of a proposal to take action 54684
under division (C)(2) of this section shall be limited solely to 54685
the issue of the amount the responsible entity shall share with 54686
the department, reimburse the department, or pay to the federal 54687
government, department, or other entity under division (C)(2) of 54688
this section. The review panel is not required to make a 54689
stenographic record of its hearing or other proceedings. 54690

(8) After finishing an administrative review, an 54691
administrative review panel appointed under division (D)(7) of 54692
this section shall submit a written report to the director setting 54693
forth its findings of fact, conclusions of law, and 54694
recommendations for action. The director may approve, modify, or 54695
disapprove the recommendations. If the director modifies or 54696
disapproves the recommendations, the director shall state the 54697
reasons for the modification or disapproval and the actions to be 54698
taken against the responsible entity. 54699

(9) The director's approval, modification, or disapproval 54700
under division (D)(8) of this section shall be final and binding 54701
on the responsible entity and shall not be subject to further 54702
departmental review. 54703

(E) The responsible entity is not entitled to an 54704
administrative review under division (D) of this section for any 54705
of the following: 54706

<u>(1) An action taken under division (C)(5) or (6) of this section;</u>	54707
	54708
<u>(2) An action taken under section 5101.242 of the Revised Code;</u>	54709
	54710
<u>(3) An action taken under division (C)(2) of this section if the federal government, auditor of state, or entity other than the department has identified the responsible entity as being solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;</u>	54711
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<u>(4) An adjustment to an allocation, cash draw, advance, or reimbursement to the responsible entity's local area that the department determines necessary for budgetary reasons;</u>	54717
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<u>(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code.</u>	54720
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<u>(F) This section does not apply to other actions the department takes against the responsible entity pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.</u>	54723
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<u>(G) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.</u>	54728
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<u>Sec. 5101.242. The department of job and family services may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a responsible entity to recover any funds that the department determines the responsible entity owes the department for actions taken under division (C)(2), (3), (4), or</u>	54731
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(5) of section 5101.24 or 5101.241 of the Revised Code. 54737

Sec. 5101.243. The director of job and family services may 54738
adopt rules in accordance with section 111.15 of the Revised Code 54739
establishing reporting requirements for family services duties and 54740
workforce development activities. If the director adopts the 54741
rules, the director shall adopt the rules as if they were internal 54742
management rules and, before adopting the rules, give the public 54743
an opportunity to review and comment on the proposed rules. 54744

Sec. 5101.26. As used in this section and in sections 5101.27 54745
to 5101.30 of the Revised Code: 54746

(A) "County agency" means a county department of job and 54747
family services or a public children services agency. 54748

(B) "Fugitive felon" means an individual who is fleeing to 54749
avoid prosecution, or custody or confinement after conviction, 54750
under the laws of the place from which the individual is fleeing, 54751
for a crime or an attempt to commit a crime that is a felony under 54752
the laws of the place from which the individual is fleeing or, in 54753
the case of New Jersey, a high misdemeanor, regardless of whether 54754
the individual has departed from the individual's usual place of 54755
residence. 54756

(C) "Information" means records as defined in section 149.011 54757
of the Revised Code, any other documents in any format, and data 54758
derived from records and documents that are generated, acquired, 54759
or maintained by the department of job and family services, a 54760
county agency, or an entity performing duties on behalf of the 54761
department or a county agency. 54762

(D) "Law enforcement agency" means the state highway patrol, 54763
an agency that employs peace officers as defined in section 109.71 54764
of the Revised Code, the adult parole authority, a county 54765
department of probation, a prosecuting attorney, the attorney 54766

general, similar agencies of other states, federal law enforcement 54767
agencies, and postal inspectors. "Law enforcement agency" includes 54768
the peace officers and other law enforcement officers employed by 54769
the agency. 54770

(E) "Medical assistance provided under a public assistance 54771
program" means medical assistance provided under the programs 54772
established under sections 5101.49, 5101.50 to 5101.503, and 54773
5101.51 to 5101.5110, Chapters 5111. and 5115., or any other 54774
provision of the Revised Code. 54775

(F) "Public assistance" means financial assistance, medical 54776
assistance, or social services provided under a program 54777
administered by the department of job and family services or a 54778
county agency pursuant to Chapter 329., 5101., 5104., 5107., 54779
5108., 5111., or 5115. of the Revised Code or an executive order 54780
issued under section 107.17 of the Revised Code. 54781

~~(F)~~(G) "Public assistance recipient" means an applicant for 54782
or recipient or former recipient of public assistance. 54783

Sec. 5101.27. (A) Except as permitted by this section, 54784
section 5101.28 or 5101.29 of the Revised Code, or the rules 54785
adopted under division (A) of section 5101.30 of the Revised Code, 54786
or required by federal law, no person or government entity shall 54787
solicit, disclose, receive, use, or knowingly permit, or 54788
participate in the use of any information regarding a public 54789
assistance recipient for any purpose not directly connected with 54790
the administration of a public assistance program. 54791

(B)~~(1)~~ To the extent permitted by federal law, the department 54792
of job and family services and county agencies shall ~~release~~ do 54793
both of the following: 54794

(1) Release information regarding a public assistance 54795
recipient for purposes directly connected to the administration of 54796

the program to a government entity responsible for administering a 54797
~~that~~ public assistance program ~~or any other state, federal, or~~ 54798
~~federally assisted program that provides cash or in-kind~~ 54799
~~assistance or services directly to individuals based on need or~~ 54800
~~for the purpose of protecting children to a government entity~~ 54801
~~responsible for administering a children's protective services~~ 54802
~~program.~~ 54803

(2) ~~To the extent permitted by federal law, the department~~ 54804
~~and county agencies shall provide~~ Provide information regarding a 54805
public assistance recipient to a law enforcement agency for the 54806
purpose of any investigation, prosecution, or criminal or civil 54807
proceeding relating to the administration of a ~~that~~ public 54808
assistance program. 54809

(C) To the extent permitted by federal law and section 54810
1347.08 of the Revised Code, the department and county agencies 54811
shall provide access to information regarding a public assistance 54812
recipient to all of the following: 54813

(1) The recipient; 54814

(2) The authorized representative, ~~as defined in rules~~ 54815
~~adopted under section 5101.30 of the Revised Code, of the~~ 54816
~~recipient;~~ 54817

(3) The ~~parent or~~ legal guardian of the recipient; 54818

(4) The attorney of the recipient, if the attorney has 54819
written authorization that complies with section 5101.271 of the 54820
Revised Code from the recipient. 54821

(D) To the extent permitted by federal law and subject to 54822
division (E) of this section, the department and county agencies 54823
may ~~release~~ do both of the following: 54824

(1) Release information about a public assistance recipient 54825
if the recipient gives voluntary, written ~~consent that~~ 54826

~~specifically identifies the persons or government entities to~~ 54827
~~which the information may be released.~~ 54828

The authorization that complies with section 5101.271 of the 54829
Revised Code; 54830

(2) Release information regarding a public assistance 54831
recipient to a state, federal, or federally assisted program that 54832
provides cash or in-kind assistance or services directly to 54833
individuals based on need or for the purpose of protecting 54834
children to a government entity responsible for administering a 54835
children's protective services program. 54836

(E) Except when the release is required by division (B), (C), 54837
or (D)(2) of this section, the department or county agency shall 54838
release the information only to the persons or government entities 54839
specified in the document evidencing consent. Consent may be 54840
time limited or ongoing, at the discretion of the individual 54841
giving it, and may be rescinded at any time; however, an 54842
individual cannot rescind consent retroactively. The document 54843
evidencing consent must state that consent may be rescinded in 54844
accordance with the authorization. The department or county agency 54845
shall provide, at no cost, a copy of each written authorization to 54846
the individual who signed it. 54847

(F) The department or a county agency may release information 54848
under this division (D) of this section concerning a the receipt 54849
of medical assistance provided under Chapter 5111. of the Revised 54850
Code a public assistance program only if both all of the following 54851
conditions are the case met: 54852

(1) The release of information is for purposes directly 54853
connected to the administration of programs created under Chapter 54854
5111. of the Revised Code or services provision of medical 54855
assistance provided under programs created under that chapter a 54856
public assistance program; 54857

(2) The information is released to persons or government entities that are subject to standards of confidentiality and safeguarding information substantially comparable to those established for ~~programs created under Chapter 5111. of the Revised Code~~ medical assistance provided under a public assistance program;

(3) The department or county agency has obtained an authorization consistent with section 5101.271 of the Revised Code.

(G) Information concerning the receipt of medical assistance provided under a public assistance program may be released only if the release complies with this section and rules adopted by the department pursuant to section 5101.30 of the Revised Code or, if more restrictive, the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, and regulations adopted by the United States department of health and human services to implement the act.

(H) The department of job and family services may adopt rules defining "authorized representative" for purposes of division (C)(2) of this section.

Sec. 5101.271. (A) For the purposes of section 5101.27 of the Revised Code, an authorization shall be made on a form that uses language understandable to the average person and contains all of the following:

(1) A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion;

(2) The name or other specific identification of the person or class of persons authorized to make the requested use or

<u>disclosure;</u>	54888
<u>(3) The name or other specific identification of the person or governmental entity to which the information may be released;</u>	54889
<u>(4) A description of each purpose of the requested use or disclosure of the information;</u>	54890
<u>(5) The date on which the authorization expires or an event related either to the individual who is the subject of the request or to the purposes of the requested use or disclosure, the occurrence of which will cause the authorization to expire;</u>	54891
<u>(6) A statement that the information used or disclosed pursuant to the authorization may be disclosed by the recipient of the information and may no longer be protected from disclosure;</u>	54892
<u>(7) The signature of the individual or the individual's authorized representative and the date on which the authorization was signed;</u>	54893
<u>(8) If signed by an authorized representative, a description of the representative's authority to act for the individual;</u>	54894
<u>(9) A statement of the individual or authorized representative's right to prospectively revoke the written authorization in writing, along with one of the following:</u>	54895
<u>(a) A description of how the individual or authorized representative may revoke the authorization;</u>	54896
<u>(b) If the department of job and family services' privacy notice contains a description of how the individual or authorized representative may revoke the authorization, a reference to that privacy notice.</u>	54897
<u>(10) A statement that treatment, payment, enrollment, or eligibility for public assistance cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the public assistance program.</u>	54898
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(B) When an individual requests information pursuant to section 5101.27 of the Revised Code regarding the individual's receipt of public assistance and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 54918
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Sec. 5101.28. ~~(A) The department of job and family services shall enter into written agreements with law enforcement agencies to exchange, obtain, or share~~ (1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department, ~~or county agencies, and law enforcement agencies~~ agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is ~~either of the following:~~ 54924
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~~(1) A a fugitive felon;~~ 54933

~~(2) Violating felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.~~ 54934
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(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with division (F) of this section. 54937
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~~(B) The~~ To the extent permitted by federal law, the department and county agencies shall provide information, except information directly related to the receipt of medical assistance or medical services, regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to law enforcement agencies on request for the purposes of 54941
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investigations, prosecutions, and criminal and civil proceedings 54948
that are within the scope of the law enforcement agencies' 54949
official duties. 54950

(C) Information about a recipient shall be exchanged, 54951
obtained, or shared only if the department, county agency, or law 54952
enforcement agency requesting the information gives sufficient 54953
information to specifically identify the recipient. In addition to 54954
the recipient's name, identifying information may include the 54955
recipient's current or last known address, social security number, 54956
other identifying number, age, gender, physical characteristics, 54957
any information specified in an agreement entered into under 54958
division (A) of this section, or any information considered 54959
appropriate by the department or agency. 54960

(D)(1) The department and its officers and employees are not 54961
liable in damages in a civil action for any injury, death, or loss 54962
to person or property that allegedly arises from the release of 54963
information in accordance with divisions (A), (B), and (C) of this 54964
section. This section does not affect any immunity or defense that 54965
the department and its officers and employees may be entitled to 54966
under another section of the Revised Code or the common law of 54967
this state, including section 9.86 of the Revised Code. 54968

(2) The county agencies and their employees are not liable in 54969
damages in a civil action for any injury, death, or loss to person 54970
or property that allegedly arises from the release of information 54971
in accordance with divisions (A), (B), and (C) of this section. 54972
"Employee" has the same meaning as in division (B) of section 54973
2744.01 of the Revised Code. This section does not affect any 54974
immunity or defense that the county agencies and their employees 54975
may be entitled to under another section of the Revised Code or 54976
the common law of this state, including section 2744.02 and 54977
division (A)(6) of section 2744.03 of the Revised Code. 54978

(E) To the extent permitted by federal law, the department 54979

and county agencies shall provide access to information to the 54980
auditor of state acting pursuant to Chapter 117. or sections 54981
5101.181 and 5101.182 of the Revised Code and to any other 54982
government entity authorized by ~~ex~~ federal law to conduct an audit 54983
of or similar activity involving a public assistance program. 54984

(F) The auditor of state shall prepare an annual report on 54985
the outcome of the agreements required under division (A) of this 54986
section. The report shall include the number of fugitive felons 54987
and probation and parole violators apprehended during the 54988
immediately preceding year as a result of the exchange of 54989
information pursuant to that division. The auditor of state shall 54990
file the report with the governor, the president and minority 54991
leader of the senate, and the speaker and minority leader of the 54992
house of representatives. The state department, county agencies, 54993
and law enforcement agencies shall cooperate with the auditor of 54994
state's office in gathering the information required under this 54995
division. 54996

(G) To the extent permitted by federal law, the department of 54997
job and family services, county departments of job and family 54998
services, and employees of the departments may report to a public 54999
children services agency or other appropriate agency information 55000
on known or suspected physical or mental injury, sexual abuse or 55001
exploitation, or negligent treatment or maltreatment, of a child 55002
receiving public assistance, if circumstances indicate that the 55003
child's health or welfare is threatened. 55004

Sec. 5101.35. (A) As used in this section: 55005

(1) "Agency" means the following entities that administer a 55006
family services program: 55007

(a) The department of job and family services; 55008

(b) A county department of job and family services; 55009

(c) A public children services agency; 55010

(d) A private or government entity administering, in whole or 55011
in part, a family services program for or on behalf of the 55012
department of job and family services or a county department of 55013
job and family services or public children services agency. 55014

(2) "Appellant" means an applicant, participant, former 55015
participant, recipient, or former recipient of a family services 55016
program who is entitled by federal or state law to a hearing 55017
regarding a decision or order of the agency that administers the 55018
program. 55019

(3) "Family services program" means assistance provided under 55020
a Title IV-A program as defined in section 5101.80 of the Revised 55021
Code or under Chapter 5104., 5111., or 5115. or section 173.35, 55022
5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised 55023
Code, other than assistance provided under section 5101.46 of the 55024
Revised Code by the department of mental health, the department of 55025
mental retardation and developmental disabilities, a board of 55026
alcohol, drug addiction, and mental health services, or a county 55027
board of mental retardation and developmental disabilities. 55028

(B) Except as provided ~~in~~ by division (G) of this section, an 55029
appellant who appeals under federal or state law a decision or 55030
order of an agency administering a family services program shall, 55031
at the appellant's request, be granted a state hearing by the 55032
department of job and family services. This state hearing shall be 55033
conducted in accordance with rules adopted under this section. The 55034
state hearing shall be tape-recorded, but neither the recording 55035
nor a transcript of the recording shall be part of the official 55036
record of the proceeding. A state hearing decision is binding upon 55037
the agency and department, unless it is reversed or modified on 55038
appeal to the director of job and family services or a court of 55039
common pleas. 55040

(C) Except as provided by division (G) of this section, an 55041
appellant who disagrees with a state hearing decision may make an 55042
administrative appeal to the director of job and family services 55043
in accordance with rules adopted under this section. This 55044
administrative appeal does not require a hearing, but the director 55045
or the director's designee shall review the state hearing decision 55046
and previous administrative action and may affirm, modify, remand, 55047
or reverse the state hearing decision. Any person designated to 55048
make an administrative appeal decision on behalf of the director 55049
shall have been admitted to the practice of law in this state. An 55050
administrative appeal decision is the final decision of the 55051
department and is binding upon the department and agency, unless 55052
it is reversed or modified on appeal to the court of common pleas. 55053

(D) An agency shall comply with a decision issued pursuant to 55054
division (B) or (C) of this section within the time limits 55055
established by rules adopted under this section. If a county 55056
department of job and family services or a public children 55057
services agency fails to comply within these time limits, the 55058
department may take action pursuant to section 5101.24 of the 55059
Revised Code. If another agency fails to comply within the time 55060
limits, the department may force compliance by withholding funds 55061
due the agency or imposing another sanction established by rules 55062
adopted under this section. 55063

(E) An appellant who disagrees with an administrative appeal 55064
decision of the director of job and family services or the 55065
director's designee issued under division (C) of this section may 55066
appeal from the decision to the court of common pleas pursuant to 55067
section 119.12 of the Revised Code. The appeal shall be governed 55068
by section 119.12 of the Revised Code except that: 55069

(1) The person may appeal to the court of common pleas of the 55070
county in which the person resides, or to the court of common 55071
pleas of Franklin county if the person does not reside in this 55072

state. 55073

(2) The person may apply to the court for designation as an 55074
indigent and, if the court grants this application, the appellant 55075
shall not be required to furnish the costs of the appeal. 55076

(3) The appellant shall mail the notice of appeal to the 55077
department of job and family services and file notice of appeal 55078
with the court within thirty days after the department mails the 55079
administrative appeal decision to the appellant. For good cause 55080
shown, the court may extend the time for mailing and filing notice 55081
of appeal, but such time shall not exceed six months from the date 55082
the department mails the administrative appeal decision. Filing 55083
notice of appeal with the court shall be the only act necessary to 55084
vest jurisdiction in the court. 55085

(4) The department shall be required to file a transcript of 55086
the testimony of the state hearing with the court only if the 55087
court orders the department to file the transcript. The court 55088
shall make such an order only if it finds that the department and 55089
the appellant are unable to stipulate to the facts of the case and 55090
that the transcript is essential to a determination of the appeal. 55091
The department shall file the transcript not later than thirty 55092
days after the day such an order is issued. 55093

(F) The department of job and family services shall adopt 55094
rules in accordance with Chapter 119. of the Revised Code to 55095
implement this section, including rules governing the following: 55096

(1) State hearings under division (B) of this section. The 55097
rules shall include provisions regarding notice of eligibility 55098
termination and the opportunity of an appellant appealing a 55099
decision or order of a county department of job and family 55100
services to request a county conference with the county department 55101
before the state hearing is held. 55102

(2) Administrative appeals under division (C) of this 55103

section; 55104

(3) Time limits for complying with a decision issued under 55105
division (B) or (C) of this section; 55106

(4) Sanctions that may be applied against an agency under 55107
division (D) of this section. 55108

(G) The department of job and family services may adopt rules 55109
in accordance with Chapter 119. of the Revised Code establishing 55110
~~in~~ an appeals process for an appellant who appeals a decision or 55111
order regarding a Title IV-A program identified under division 55112
(A)(3)(c) or (d) of section 5101.80 of the Revised Code that is 55113
different from the appeals process established by this section. 55114
The different appeals process may include having a state agency 55115
that administers the Title IV-A program pursuant to an interagency 55116
agreement entered into under section 5101.801 of the Revised Code 55117
administer the appeals process. 55118

(H) The requirements of Chapter 119. of the Revised Code 55119
apply to a state hearing or administrative appeal under this 55120
section only to the extent, if any, specifically provided by rules 55121
adopted under this section. 55122

Sec. 5101.36. Any application for public assistance gives a 55123
right of subrogation to the department of job and family services 55124
for any workers' compensation benefits payable to a person who is 55125
subject to a support order, as defined in section 3119.01 of the 55126
Revised Code, on behalf of the applicant, to the extent of any 55127
public assistance payments made on the applicant's behalf. If the 55128
director of job and family services, in consultation with a child 55129
support enforcement agency and the administrator of the bureau of 55130
workers' compensation, determines that a person responsible for 55131
support payments to a recipient of public assistance is receiving 55132
workers' compensation, the director shall notify the administrator 55133
of the amount of the benefit to be paid to the department of job 55134

and family services. 55135

For purposes of this section, "public assistance" means 55136
medical assistance provided through the medical assistance program 55137
established under section 5111.01 of the Revised Code; Ohio works 55138
first provided under Chapter 5107. of the Revised Code; 55139
prevention, retention, and contingency benefits and services 55140
provided under Chapter 5108. of the Revised Code; ~~or~~ disability 55141
financial assistance provided under Chapter 5115. of the Revised 55142
Code; or disability medical assistance provided under Chapter 55143
5115. of the Revised Code. 55144

Sec. 5101.46. (A) As used in this section: 55145

(1) "Title XX" means Title XX of the "Social Security Act," 55146
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 55147

(2) "Respective local agency" means, with respect to the 55148
department of job and family services, a county department of job 55149
and family services; with respect to the department of mental 55150
health, a board of alcohol, drug addiction, and mental health 55151
services; and with respect to the department of mental retardation 55152
and developmental disabilities, a county board of mental 55153
retardation and developmental disabilities. 55154

(3) "Federal poverty guidelines" means the poverty guidelines 55155
as revised annually by the United States department of health and 55156
human services in accordance with section 673(2) of the "Omnibus 55157
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 55158
9902, as amended, for a family size equal to the size of the 55159
family of the person whose income is being determined. 55160

(B) The departments of job and family services, mental 55161
health, and mental retardation and developmental disabilities, 55162
with their respective local agencies, shall administer the 55163
provision of social services funded through grants made under 55164

Title XX. The social services furnished with Title XX funds shall	55165
be directed at the following goals:	55166
(1) Achieving or maintaining economic self-support to	55167
prevent, reduce, or eliminate dependency;	55168
(2) Achieving or maintaining self-sufficiency, including	55169
reduction or prevention of dependency;	55170
(3) Preventing or remedying neglect, abuse, or exploitation	55171
of children and adults unable to protect their own interests, or	55172
preserving, rehabilitating, or reuniting families;	55173
(4) Preventing or reducing inappropriate institutional care	55174
by providing for community-based care, home-based care, or other	55175
forms of less intensive care;	55176
(5) Securing referral or admission for institutional care	55177
when other forms of care are not appropriate, or providing	55178
services to individuals in institutions.	55179
(C)(1) All federal funds received under Title XX shall be	55180
appropriated as follows:	55181
(a) Seventy-two and one-half per cent to the department of	55182
job and family services;	55183
(b) Twelve and ninety-three one-hundredths per cent to the	55184
department of mental health;	55185
(c) Fourteen and fifty-seven one-hundredths per cent to the	55186
department of mental retardation and developmental disabilities.	55187
(2) Each state department shall, subject to the approval of	55188
the controlling board, develop formulas for the distribution of	55189
their Title XX appropriations to their respective local agencies.	55190
The formulas shall take into account the total population of the	55191
area that is served by the agency, the percentage of the	55192
population in the area that falls below the federal poverty	55193
guidelines, and the agency's history of and ability to utilize	55194

Title XX funds.	55195
(3) Each of the state departments shall expend no more than three per cent of its Title XX appropriation for state administrative costs. Each of the department's respective local agencies shall expend no more than fourteen per cent of its Title XX appropriation for local administrative costs.	55196 55197 55198 55199 55200
(4) The department of job and family services shall expend no more than two per cent of its Title XX appropriation for the training of the following:	55201 55202 55203
(a) Employees of county departments of job and family services;	55204 55205
(b) Providers of services under contract with the state departments' respective local agencies;	55206 55207
(c) Employees of a public children services agency directly engaged in providing Title XX services.	55208 55209
(D) The department of job and family services shall prepare a biennial comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion.	55210 55211 55212 55213 55214
For each state fiscal year, the department of job and family services shall prepare a report on the actual use of Title XX funds. The department shall make the report available for public inspection.	55215 55216 55217 55218
The departments of mental health and mental retardation and developmental disabilities shall prepare and submit to the department of job and family services the portions of each biennial plan and annual report that apply to services for mental health and mental retardation and developmental disabilities. Each respective local agency of the three state departments shall	55219 55220 55221 55222 55223 55224

submit information as necessary for the preparation of biennial 55225
plans and annual reports. 55226

(E) Each county department shall adopt a county profile for 55227
the administration and provision of Title XX social services in 55228
the county. In developing its county profile, the county 55229
department shall take into consideration the comments and 55230
recommendations received from the public by the county family 55231
services planning committee pursuant to section 329.06 of the 55232
Revised Code. As part of its preparation of the county profile, 55233
the county department may prepare a local needs report analyzing 55234
the need for Title XX social services. 55235

The county department shall submit the county profile to the 55236
board of county commissioners for its review. Once the county 55237
profile has been approved by the board, the county department 55238
shall file a copy of the county profile with the department of job 55239
and family services. The department shall approve the county 55240
profile if the department determines the profile provides for the 55241
Title XX social services to meet the goals specified in division 55242
(B) of this section. 55243

(F) Not less often than every two years, the departments of 55244
job and family services, mental health, and mental retardation and 55245
developmental disabilities each shall commission an entity 55246
independent of itself to conduct an audit of its Title XX 55247
expenditures in accordance with generally accepted auditing 55248
principles. Within thirty days following the completion of its 55249
audit, each department shall submit a copy of the audit to the 55250
general assembly and to the United States secretary of health and 55251
human services. 55252

(G) Any of the three state departments and their respective 55253
local agencies may require that an entity under contract to 55254
provide social services with Title XX funds submit to an audit on 55255
the basis of alleged misuse or improper accounting of funds. The 55256

three state departments and their respective local agencies may 55257
terminate or refuse to enter into a Title XX contract with a 55258
provider of social services if there are adverse findings in an 55259
audit that are the responsibility of the provider. The amount of 55260
any adverse findings shall not be reimbursed with Title XX funds. 55261
The cost of conducting an audit shall be reimbursed under a 55262
subsequent or amended Title XX contract with the provider. 55263

(H) If federal funds received by the department of job and 55264
family services for use under Chapters 5107. and 5108. of the 55265
Revised Code are transferred by the controlling board for use in 55266
providing social services under this section, the distribution and 55267
use of the funds are not subject to the provisions of division (C) 55268
of this section. The department may do one or both of the 55269
following with the funds: 55270

(1) Distribute the funds to the county departments of job and 55271
family services; 55272

(2) Use the funds for services that benefit individuals 55273
eligible for services consistent with the principles of Title IV-A 55274
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 55275
301, as amended. 55276

(I) Except for the authority to adopt rules under division 55277
(J) of this section as necessary to carry out this division, this 55278
section does not apply to any distribution by the department of 55279
job and family services of funds for reimbursement of allowable 55280
Title XX expenditures when the funds for the reimbursement are 55281
received from a federal funding source other than Title XX. 55282

(J) The department of job and family services may adopt rules 55283
necessary to carry out the purposes of this section. Rules adopted 55284
under this division shall be adopted in accordance with Chapter 55285
119. of the Revised Code, unless they are internal management 55286
rules governing fiscal and administrative matters. Internal 55287

management rules may be adopted in accordance with section 111.15 55288
of the Revised Code. 55289

Sec. 5101.58. As used in this section and section 5101.59 of 55290
the Revised Code, "public assistance" means aid provided under 55291
Chapter 5111. or 5115. of the Revised Code and participation in 55292
the Ohio works first program established under Chapter 5107. of 55293
the Revised Code. 55294

The acceptance of public assistance gives a right of recovery 55295
to the department of job and family services and a county 55296
department of job and family services against the liability of a 55297
third party for the cost of medical services and care arising out 55298
of injury, disease, or disability of the public assistance 55299
recipient or participant. When an action or claim is brought 55300
against a third party by a public assistance recipient or 55301
participant, the entire amount of any settlement or compromise of 55302
the action or claim, or any court award or judgment, is subject to 55303
the recovery right of the department of job and family services or 55304
county department of job and family services. Except in the case 55305
of a recipient or participant who receives medical services or 55306
care through a managed care organization, the department's or 55307
county department's claim shall not exceed the amount of medical 55308
expenses paid by the departments on behalf of the recipient or 55309
participant. In the case of a recipient or participant who 55310
receives medical services or care through a managed care 55311
organization, the amount of the department's or county 55312
department's claim shall be the amount the managed care 55313
organization pays for medical services or care rendered to the 55314
recipient or participant, even if that amount is more than the 55315
amount the departments pay to the managed care organization for 55316
the recipient's or participant's medical services or care. Any 55317
settlement, compromise, judgment, or award that excludes the cost 55318
of medical services or care shall not preclude the departments 55319

from enforcing their rights under this section. 55320

Prior to initiating any recovery action, the recipient or 55321
participant, or the recipient's or participant's representative, 55322
shall disclose the identity of any third party against whom the 55323
recipient or participant has or may have a right of recovery. 55324
Disclosure shall be made to the department of job and family 55325
services when medical expenses have been paid pursuant to Chapter 55326
5111. or 5115. of the Revised Code. Disclosure shall be made to 55327
both the department of job and family services and the appropriate 55328
county department of job and family services when medical expenses 55329
have been paid pursuant to Chapter 5115. of the Revised Code. No 55330
settlement, compromise, judgment, or award or any recovery in any 55331
action or claim by a recipient or participant where the 55332
departments have a right of recovery shall be made final without 55333
first giving the appropriate departments notice and a reasonable 55334
opportunity to perfect their rights of recovery. If the 55335
departments are not given appropriate notice, the recipient or 55336
participant is liable to reimburse the departments for the 55337
recovery received to the extent of medical payments made by the 55338
departments. The departments shall be permitted to enforce their 55339
recovery rights against the third party even though they accepted 55340
prior payments in discharge of their rights under this section if, 55341
at the time the departments received such payments, they were not 55342
aware that additional medical expenses had been incurred but had 55343
not yet been paid by the departments. The third party becomes 55344
liable to the department of job and family services or county 55345
department of job and family services as soon as the third party 55346
is notified in writing of the valid claims for recovery under this 55347
section. 55348

The right of recovery does not apply to that portion of any 55349
judgment, award, settlement, or compromise of a claim, to the 55350
extent of attorneys' fees, costs, or other expenses incurred by a 55351

recipient or participant in securing the judgment, award, 55352
settlement, or compromise, or to the extent of medical, surgical, 55353
and hospital expenses paid by such recipient or participant from 55354
the recipient's or participant's own resources. Attorney fees and 55355
costs or other expenses in securing any recovery shall not be 55356
assessed against any claims of the departments. 55357

To enforce their recovery rights, the departments may do any 55358
of the following: 55359

(A) Intervene or join in any action or proceeding brought by 55360
the recipient or participant or on the recipient's or 55361
participant's behalf against any third party who may be liable for 55362
the cost of medical services and care arising out of the 55363
recipient's or participant's injury, disease, or disability; 55364

(B) Institute and pursue legal proceedings against any third 55365
party who may be liable for the cost of medical services and care 55366
arising out of the recipient's or participant's injury, disease, 55367
or disability; 55368

(C) Initiate legal proceedings in conjunction with the 55369
injured, diseased, or disabled recipient or participant or the 55370
recipient's or participant's legal representative. 55371

Recovery rights created by this section may be enforced 55372
separately or jointly by the department of job and family services 55373
and the county department of job and family services. 55374

The right of recovery given to the department under this 55375
section does not include rights to support from any other person 55376
assigned to the state under sections 5107.20 and ~~5115.13~~ 5115.07 55377
of the Revised Code, but includes payments made by a third party 55378
under contract with a person having a duty to support. 55379

The director of job and family services may adopt rules in 55380
accordance with Chapter 119. of the Revised Code the department 55381
considers necessary to implement this section. 55382

Sec. 5101.59. (A) The application for or acceptance of public 55383
assistance constitutes an automatic assignment of certain rights 55384
to the department of job and family services. This assignment 55385
includes the rights of the applicant, recipient, or participant 55386
and also the rights of any other member of the assistance group 55387
for whom the applicant, recipient, or participant can legally make 55388
an assignment. 55389

Pursuant to this section, the applicant, recipient, or 55390
participant assigns to the department any rights to medical 55391
support available to the applicant, recipient, or participant or 55392
for other members of the assistance group under an order of a 55393
court or administrative agency, and any rights to payments from 55394
any third party liable to pay for the cost of medical care and 55395
services arising out of injury, disease, or disability of the 55396
applicant, recipient, participant, or other members of the 55397
assistance group. 55398

Medicare benefits shall not be assigned pursuant to this 55399
section. Benefits assigned to the department by operation of this 55400
section are directly reimbursable to the department by liable 55401
third parties. 55402

(B) Refusal by the applicant, recipient, or participant to 55403
cooperate in obtaining medical support and payments for self or 55404
any other member of the assistance group renders the applicant, 55405
recipient, or participant ineligible for public assistance, unless 55406
cooperation is waived by the department. Eligibility shall 55407
continue for any individual who cannot legally assign the 55408
individual's own rights and who would have been eligible for 55409
public assistance but for the refusal to assign the individual's 55410
rights or to cooperate as required by this section by another 55411
person legally able to assign the individual's rights. 55412

If the applicant, recipient, or participant or any member of 55413

the assistance group becomes ineligible for public assistance, the 55414
department shall restore to the applicant, recipient, participant, 55415
or member of the assistance group any future rights to benefits 55416
assigned under this section. 55417

The rights of assignment given to the department under this 55418
section do not include rights to support assigned under section 55419
5107.20 or ~~5115.13~~ 5115.07 of the Revised Code. 55420

(C) The director of job and family services may adopt rules 55421
in accordance with Chapter 119. of the Revised Code to implement 55422
this section, including rules that specify what constitutes 55423
cooperating with efforts to obtain medical support and payments 55424
and when the cooperation requirement may be waived. 55425

Sec. 5101.75. (A) As used in sections 5101.75, 5101.751, 55426
5101.752, 5101.753, and 5101.754 of the Revised Code: 55427

(1) "Alternative source of long-term care" includes a 55428
residential care facility licensed under Chapter 3721. of the 55429
Revised Code, an adult care facility licensed under Chapter 3722. 55430
of the Revised Code, home and community-based services, and a 55431
nursing home licensed under Chapter 3721. of the Revised Code that 55432
is not a nursing facility. 55433

(2) "Medicaid" means the medical assistance program 55434
established under Chapter 5111. of the Revised Code. 55435

(3) "Nursing facility" has the same meaning as in section 55436
5111.20 of the Revised Code. 55437

(4) "Representative" means a person acting on behalf of an 55438
applicant for admission to a nursing facility. A representative 55439
may be a family member, attorney, hospital social worker, or any 55440
other person chosen to act on behalf of an applicant. 55441

(5) "Third-party payment source" means a third-party payer as 55442
defined in section 3901.38 of the Revised Code or medicaid. 55443

(B) Effective July 1, 1994, the department of job and family services may assess a person applying or intending to apply for admission to a nursing facility who is not an applicant for or recipient of medicaid to determine whether the person is in need of nursing facility services and whether an alternative source of long-term care is more appropriate for the person in meeting the person's physical, mental, and psychosocial needs than admission to the facility to which the person has applied.

Each assessment shall be performed by the department or an agency designated by the department under section 5101.751 of the Revised Code and shall be based on information provided by the person or the person's representative. It shall consider the person's physical, mental, and psychosocial needs and the availability and effectiveness of informal support and care. The department or designated agency shall determine the person's physical, mental, and psychosocial needs by using, to the maximum extent appropriate, information from the resident assessment instrument specified in rules adopted by the department under division (A) of section 5111.231 of the Revised Code. The department or designated agency shall also use the criteria and procedures established in rules adopted by the department under division (I) of this section. Assessments may be performed only by persons certified by the department under section 5101.752 of the Revised Code. The department or designated agency shall make a recommendation on the basis of the assessment and, not later than the time the assessment is required to be performed under division (D) of this section, give the person assessed written notice of the recommendation, which shall explain the basis for the recommendation. If the department or designated agency determines pursuant to an assessment that an alternative source of long-term care is more appropriate for the person than admission to the facility to which the person has applied, the department or

designated agency shall include in the notice possible sources of 55476
financial assistance for the alternative source of long-term care. 55477
If the department or designated agency has been informed that the 55478
person has a representative, it shall give the notice to the 55479
representative. 55480

(C) A person is not required to be assessed under division 55481
(B) of this section if any of the following apply: 55482

(1) The circumstances specified by rules adopted under 55483
division (I) of this section exist. 55484

(2) The person is to receive care in a nursing facility under 55485
a contract for continuing care as defined in section 173.13 of the 55486
Revised Code. 55487

(3) The person has a contractual right to admission to a 55488
nursing facility operated as part of a system of continuing care 55489
in conjunction with one or more facilities that provide a less 55490
intensive level of services, including a residential care facility 55491
licensed under Chapter 3721. of the Revised Code, an adult-care 55492
facility licensed under Chapter 3722. of the Revised Code, or an 55493
independent living arrangement; 55494

(4) The person is to receive continual care in a home for the 55495
aged exempt from taxation under section 5701.13 of the Revised 55496
Code; 55497

(5) The person is to receive care in the nursing facility for 55498
not more than fourteen days in order to provide temporary relief 55499
to the person's primary caregiver and the nursing facility 55500
notifies the department of the person's admittance not later than 55501
twenty-four hours after admitting the person; 55502

(6) The person is to be transferred from another nursing 55503
facility, unless the nursing facility from which or to which the 55504
person is to be transferred determines that the person's medical 55505
condition has changed substantially since the person's admission 55506

to the nursing facility from which the person is to be transferred 55507
or a review is required by a third-party payment source; 55508

(7) The person is to be readmitted to a nursing facility 55509
following a period of hospitalization, unless the hospital or 55510
nursing facility determines that the person's medical condition 55511
has changed substantially since the person's admission to the 55512
hospital, or a review is required by a third-party payment source; 55513

(8) The department or designated agency fails to complete an 55514
assessment within the time required by division (D) or (E) of this 55515
section or determines after a partial assessment that the person 55516
should be exempt from the assessment. 55517

(D) The department or designated agency shall perform a 55518
complete assessment, or, if circumstances provided by rules 55519
adopted under division (I) of this section exist, a partial 55520
assessment, as follows: 55521

(1) In the case of a hospitalized person applying or 55522
intending to apply to a nursing facility, not later than two 55523
working days after the person or the person's representative is 55524
notified that a bed is available in a nursing facility; 55525

(2) In the case of an emergency as determined in accordance 55526
with rules adopted under division (I) of this section, not later 55527
than one working day after the person or the person's 55528
representative is notified that a bed is available in a nursing 55529
facility; 55530

(3) In all other cases, not later than five calendar days 55531
after the person or the person's representative who submits the 55532
application is notified that a bed is available in a nursing 55533
facility. 55534

(E) If the department or designated agency conducts a partial 55535
assessment under division (D) of this section, it shall complete 55536
the rest of the assessment not later than one hundred eighty days 55537

after the date the person is admitted to the nursing facility 55538
unless the assessment entity determines the person should be 55539
exempt from the assessment. 55540

(F) A person assessed under this section or the person's 55541
representative may file a complaint with the department about the 55542
assessment process. The department shall work to resolve the 55543
complaint in accordance with rules adopted under division (I) of 55544
this section. 55545

(G) A person is not required to seek an alternative source of 55546
long-term care and may be admitted to or continue to reside in a 55547
nursing facility even though an alternative source of long-term 55548
care is available or the person is determined pursuant to an 55549
assessment under this section not to need nursing facility 55550
services. 55551

(H) No nursing facility ~~with~~ for which an operator has a 55552
provider agreement with the department under section 5111.22 of 55553
the Revised Code shall admit or retain any person, other than a 55554
person exempt from the assessment requirement as provided by 55555
division (C) of this section, as a resident unless the nursing 55556
facility has received evidence that a complete or partial 55557
assessment has been completed. 55558

(I) The director of job and family services shall adopt rules 55559
in accordance with Chapter 119. of the Revised Code to implement 55560
and administer this section. The rules shall include all of the 55561
following: 55562

(1) The information a person being assessed or the person's 55563
representative must provide to enable the department or designated 55564
agency to do the assessment; 55565

(2) Criteria to be used to determine whether a person is in 55566
need of nursing facility services; 55567

(3) Criteria to be used to determine whether an alternative 55568

source of long-term care is appropriate for the person being assessed;	55569 55570
(4) Criteria and procedures to be used to determine a person's physical, mental, and psychosocial needs;	55571 55572
(5) Criteria to be used to determine the effectiveness and continued availability of a person's current source of informal support and care;	55573 55574 55575
(6) Circumstances, in addition to those specified in division (C) of this section, under which a person is not required to be assessed;	55576 55577 55578
(7) Circumstances under which the department or designated agency may perform a partial assessment under division (D) of this section;	55579 55580 55581
(8) The method by which a situation will be determined to be an emergency for the purpose of division (D)(2) of this section;	55582 55583
(9) The method by which the department will attempt to resolve complaints filed under division (F) of this section.	55584 55585
(J) The director of job and family services may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code in either of the following circumstances:	55586 55587 55588 55589
(1) The nursing facility fails to notify the department within the required time about an admission described in division (C)(5) of this section;	55590 55591 55592
(2) The nursing facility admits, without evidence that a complete or partial assessment has been conducted, a person other than a person exempt from the assessment requirement as provided by division (C) of this section.	55593 55594 55595 55596
The director shall deposit all fines collected under this division into the residents protection fund established by section	55597 55598

5111.62 of the Revised Code.	55599
Sec. 5101.80. (A) As used in this section and in section	55600
5101.801 of the Revised Code:	55601
(1) "County family services agency" has the same meaning as	55602
in section 307.981 of the Revised Code.	55603
(2) "State agency" has the same meaning as in section 9.82 of	55604
the Revised Code.	55605
(3) "Title IV-A program" means all of the following that are	55606
funded in part with funds provided under the temporary assistance	55607
for needy families block grant established by Title IV-A of the	55608
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as	55609
amended:	55610
(a) The Ohio works first program established under Chapter	55611
5107. of the Revised Code;	55612
(b) The prevention, retention, and contingency program	55613
established under Chapter 5108. of the Revised Code;	55614
(c) A program established by the general assembly or an	55615
executive order issued by the governor that is administered or	55616
supervised by the department of job and family services pursuant	55617
to section 5101.801 of the Revised Code;	55618
(d) A component of a Title IV-A program identified under	55619
divisions (A)(3)(a) to (c) of this section that the Title IV-A	55620
state plan prepared under division (C)(1) of this section	55621
identifies as a component.	55622
(B) The department of job and family services shall act as	55623
the single state agency to administer and supervise the	55624
administration of Title IV-A programs. The Title IV-A state plan	55625
and amendments to the plan prepared under division (C) of this	55626
section are binding on county family services agencies and state	55627
agencies that administer a Title IV-A program. No county family	55628

services agency or state agency administering a Title IV-A program 55629
may establish, by rule or otherwise, a policy governing the Title 55630
IV-A program that is inconsistent with a Title IV-A program policy 55631
established, in rule or otherwise, by the director of job and 55632
family services. 55633

(C) The department of job and family services shall do all of 55634
the following: 55635

(1) Prepare and submit to the United States secretary of 55636
health and human services a Title IV-A state plan for Title IV-A 55637
programs; 55638

(2) Prepare and submit to the United States secretary of 55639
health and human services amendments to the Title IV-A state plan 55640
that the department determines necessary, including amendments 55641
necessary to implement Title IV-A programs identified in division 55642
(A)(3)(c) and (d) of this section; 55643

(3) Prescribe forms for applications, certificates, reports, 55644
records, and accounts of county family services agencies and state 55645
agencies administering a Title IV-A program, and other matters 55646
related to Title IV-A programs; 55647

(4) Make such reports, in such form and containing such 55648
information as the department may find necessary to assure the 55649
correctness and verification of such reports, regarding Title IV-A 55650
programs; 55651

(5) Require reports and information from each county family 55652
services agency and state agency administering a Title IV-A 55653
program as may be necessary or advisable regarding the Title IV-A 55654
program; 55655

(6) Afford a fair hearing in accordance with section 5101.35 55656
of the Revised Code to any applicant for, or participant or former 55657
participant of, a Title IV-A program aggrieved by a decision 55658
regarding the program; 55659

(7) Administer and expend, pursuant to Chapters 5104., 5107., 55660
and 5108. of the Revised Code and section 5101.801 of the Revised 55661
Code, any sums appropriated by the general assembly for the 55662
purpose of those chapters and section and all sums paid to the 55663
state by the secretary of the treasury of the United States as 55664
authorized by Title IV-A of the "Social Security Act," 110 Stat. 55665
2113 (1996), 42 U.S.C. 601, as amended; 55666

(8) Conduct investigations and audits as are necessary 55667
regarding Title IV-A programs; 55668

(9) Enter into reciprocal agreements with other states 55669
relative to the provision of Ohio works first and prevention, 55670
retention, and contingency to residents and nonresidents; 55671

(10) Contract with a private entity to conduct an independent 55672
on-going evaluation of the Ohio works first program and the 55673
prevention, retention, and contingency program. The contract must 55674
require the private entity to do all of the following: 55675

(a) Examine issues of process, practice, impact, and 55676
outcomes; 55677

(b) Study former participants of Ohio works first who have 55678
not participated in Ohio works first for at least one year to 55679
determine whether they are employed, the type of employment in 55680
which they are engaged, the amount of compensation they are 55681
receiving, whether their employer provides health insurance, 55682
whether and how often they have received benefits or services 55683
under the prevention, retention, and contingency program, and 55684
whether they are successfully self sufficient; 55685

(c) Provide the department with reports at times the 55686
department specifies. 55687

(11) Not later than January 1, 2001, and the first day of 55688
each January and July thereafter, prepare a report containing 55689

information on the following: 55690

(a) Individuals exhausting the time limits for participation 55691
in Ohio works first set forth in section 5107.18 of the Revised 55692
Code. 55693

(b) Individuals who have been exempted from the time limits 55694
set forth in section 5107.18 of the Revised Code and the reasons 55695
for the exemption. 55696

(12) Not later than January 1, 2001, and on a quarterly basis 55697
thereafter until December 1, 2003, prepare, to the extent the 55698
necessary data is available to the department, a report based on 55699
information determined under section 5107.80 of the Revised Code 55700
that states how many former Ohio works first participants entered 55701
the workforce during the most recent previous quarter for which 55702
the information is known and includes information regarding the 55703
earnings of those former participants. The report shall include a 55704
county-by-county breakdown and shall not contain the names or 55705
social security numbers of former participants. 55706

(13) To the extent authorized by section 5101.801 of the 55707
Revised Code, enter into interagency agreements with state 55708
agencies for the administration of Title IV-A programs identified 55709
under division (A)(3)(c) and (d) of this section. 55710

(D) The department shall provide copies of the reports it 55711
receives under division (C)(10) of this section and prepares under 55712
divisions (C)(11) and (12) of this section to the governor, the 55713
president and minority leader of the senate, and the speaker and 55714
minority leader of the house of representatives. The department 55715
shall provide copies of the reports to any private or government 55716
entity on request. 55717

(E) An authorized representative of the department or a 55718
county family services agency or state agency administering a 55719
Title IV-A program shall have access to all records and 55720

information bearing thereon for the purposes of investigations 55721
conducted pursuant to this section. 55722

Part I of this act continues in Part II. 55723

*** * * end of Part I * * *** 55724