

As Reported by the House Health Committee

126th General Assembly

Regular Session

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Sub. S. B. No. 10

Senators Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria,

Goodman, Carey, Cates, Stivers, Clancy, Miller, Spada

Representatives Fessler, Kearns, Brown, Barrett, Beatty, S. Smith, Otterman,

DeBose, Combs, Reidelbach, Harwood, Mason

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A B I L L

To amend sections 5126.01, 5126.02, 5126.021,	1
5126.022, 5126.023, 5126.03, 5126.031, 5126.033,	2
5126.034, 5126.056, 5126.058, 5126.081, 5126.30,	3
5705.191, and 5705.222, to amend, for the purpose	4
of adopting new section numbers as indicated in	5
parentheses, sections 5126.02 (5126.0212),	6
5126.021 (5126.029), 5126.022 (5126.0215),	7
5126.023 (5126.0225), and 5126.024 (5126.0226),	8
and to enact new sections 5126.02, 5126.021,	9
5126.022, 5126.023, and 5126.024 and sections	10
5126.025, 5126.026, 5126.027, 5126.028, 5126.0210,	11
5126.0211, 5126.0213, 5126.0214, 5126.0216,	12
5126.0217, 5126.0218, 5126.0219, 5126.0220,	13
5126.0221, 5126.0222, 5126.0223, 5126.0224,	14
5126.0227, 5126.0228, 5126.037, and 5126.038 of	15
the Revised Code to revise the law governing	16
county boards of mental retardation and	17
developmental disabilities.	18

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

Section 1. That sections 5126.01, 5126.02, 5126.021, 19
5126.022, 5126.023, 5126.03, 5126.031, 5126.033, 5126.034, 20
5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 5705.222 be 21
amended, sections 5126.02 (5126.0212), 5126.021 (5126.029), 22
5126.022 (5126.0215), 5126.023 (5126.0225), and 5126.024 23
(5126.0226) be amended for the purpose of adopting new section 24
numbers as indicated in parentheses, and new sections 5126.02, 25
5126.021, 5126.022, 5126.023, and 5126.024 and sections 5126.025, 26
5126.026, 5126.027, 5126.028, 5126.0210, 5126.0211, 5126.0213, 27
5126.0214, 5126.0216, 5126.0217, 5126.0218, 5126.0219, 5126.0220, 28
5126.0221, 5126.0222, 5126.0223, 5126.0224, 5126.0227, 5126.0228, 29
5126.037, and 5126.038 of the Revised Code be enacted to read as 30
follows: 31

Sec. 5126.01. As used in this chapter: 32

(A) As used in this division, "adult" means an individual who 33
is eighteen years of age or over and not enrolled in a program or 34
service under Chapter 3323. of the Revised Code and an individual 35
sixteen or seventeen years of age who is eligible for adult 36
services under rules adopted by the director of mental retardation 37
and developmental disabilities pursuant to Chapter 119. of the 38
Revised Code. 39

(1) "Adult services" means services provided to an adult 40
outside the home, except when they are provided within the home 41
according to an individual's assessed needs and identified in an 42
individual service plan, that support learning and assistance in 43
the area of self-care, sensory and motor development, 44
socialization, daily living skills, communication, community 45
living, social skills, or vocational skills. 46

(2) "Adult services" includes all of the following: 47

(a) Adult day habilitation services; 48

(b) Adult day care;	49
(c) Prevocational services;	50
(d) Sheltered employment;	51
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	52 53 54 55 56 57 58
(f) Community employment services and supported employment services.	59 60
(B)(1) "Adult day habilitation services" means adult services that do the following:	61 62
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	63 64 65 66 67 68 69 70
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	71 72 73 74
(2) "Adult day habilitation services" includes all of the following:	75 76
(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services,	77 78

educational services, community activities, and any other adult
day habilitation services;

(b) Skilled services provided while receiving adult day
habilitation services, including such skilled services as behavior
management intervention, occupational therapy, speech and language
therapy, physical therapy, and nursing services;

(c) Training and education in self-determination designed to
help the individual do one or more of the following: develop
self-advocacy skills, exercise the individual's civil rights,
acquire skills that enable the individual to exercise control and
responsibility over the services received, and acquire skills that
enable the individual to become more independent, integrated, or
productive in the community;

(d) Recreational and leisure activities identified in the
individual's service plan as therapeutic in nature or assistive in
developing or maintaining social supports;

(e) Counseling and assistance provided to obtain housing,
including such counseling as identifying options for either rental
or purchase, identifying financial resources, assessing needs for
environmental modifications, locating housing, and planning for
ongoing management and maintenance of the housing selected;

(f) Transportation necessary to access adult day habilitation
services;

(g) Habilitation management, as described in section 5126.14
of the Revised Code.

(3) "Adult day habilitation services" does not include
activities that are components of the provision of residential
services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of mental

retardation and developmental disabilities appointed by, or to be 109
appointed by, a board of county commissioners, the board of county 110
commissioners; 111

(2) In the case of a member of a county board appointed by, 112
or to be appointed by, a senior probate judge, the senior probate 113
judge. 114

(D) "Community employment services" or "supported employment 115
services" means job training and other services related to 116
employment outside a sheltered workshop. "Community employment 117
services" or "supported employment services" include all of the 118
following: 119

(1) Job training resulting in the attainment of competitive 120
work, supported work in a typical work environment, or 121
self-employment; 122

(2) Supervised work experience through an employer paid to 123
provide the supervised work experience; 124

(3) Ongoing work in a competitive work environment at a wage 125
commensurate with workers without disabilities; 126

(4) Ongoing supervision by an employer paid to provide the 127
supervision. 128

~~(D)~~(E) As used in this division, "substantial functional 129
limitation," "developmental delay," and "established risk" have 130
the meanings established pursuant to section 5123.011 of the 131
Revised Code. 132

"Developmental disability" means a severe, chronic disability 133
that is characterized by all of the following: 134

(1) It is attributable to a mental or physical impairment or 135
a combination of mental and physical impairments, other than a 136
mental or physical impairment solely caused by mental illness as 137
defined in division (A) of section 5122.01 of the Revised Code; 138

(2) It is manifested before age twenty-two;	139
(3) It is likely to continue indefinitely;	140
(4) It results in one of the following:	141
(a) In the case of a person under age three, at least one developmental delay or an established risk;	142 143
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	144 145
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.	146 147 148 149 150 151 152
(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.	153 154 155 156
(E) <u>(F)</u> "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.	157 158 159 160
(F) <u>(G)</u> (1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.	161 162 163 164 165 166
(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways,	167 168

modification of bathroom facilities, and installation of 169
specialized electric and plumbing systems necessary to accommodate 170
the individual's medical equipment and supplies. 171

(3) "Environmental modifications" does not include physical 172
adaptations or improvements to the home that are of general 173
utility or not of direct medical or remedial benefit to the 174
individual, including such adaptations or improvements as 175
carpeting, roof repair, and central air conditioning. 176

~~(G)~~(H) "Family support services" means the services provided 177
under a family support services program operated under section 178
5126.11 of the Revised Code. 179

~~(H)~~(I) "Habilitation" means the process by which the staff of 180
the facility or agency assists an individual with mental 181
retardation or other developmental disability in acquiring and 182
maintaining those life skills that enable the individual to cope 183
more effectively with the demands of the individual's own person 184
and environment, and in raising the level of the individual's 185
personal, physical, mental, social, and vocational efficiency. 186
Habilitation includes, but is not limited to, programs of formal, 187
structured education and training. 188

~~(I)~~(J) "Habilitation center services" means services provided 189
by a habilitation center certified by the department of mental 190
retardation and developmental disabilities under section 5123.041 191
of the Revised Code and covered by the medicaid program pursuant 192
to rules adopted under section 5111.041 of the Revised Code. 193

~~(J)~~(K) "Home and community-based services" means 194
medicaid-funded home and community-based services specified in 195
division (B)(1) of section 5111.87 of the Revised Code and 196
provided under the medicaid components the department of mental 197
retardation and developmental disabilities administers pursuant to 198
section 5111.871 of the Revised Code. 199

~~(K)~~(L) "Immediate family" means parents, brothers, sisters, 200
spouses, sons, daughters, mothers-in-law, fathers-in-law, 201
brothers-in-law, sisters-in-law, sons-in-law, and 202
daughters-in-law. 203

(M) "Medicaid" has the same meaning as in section 5111.01 of 204
the Revised Code. 205

~~(L)~~(N) "Medicaid case management services" means case 206
management services provided to an individual with mental 207
retardation or other developmental disability that the state 208
medicaid plan requires. 209

~~(M)~~(O) "Mental retardation" means a mental impairment 210
manifested during the developmental period characterized by 211
significantly subaverage general intellectual functioning existing 212
concurrently with deficiencies in the effectiveness or degree with 213
which an individual meets the standards of personal independence 214
and social responsibility expected of the individual's age and 215
cultural group. 216

~~(N)~~(P) "Residential services" means services to individuals 217
with mental retardation or other developmental disabilities to 218
provide housing, food, clothing, habilitation, staff support, and 219
related support services necessary for the health, safety, and 220
welfare of the individuals and the advancement of their quality of 221
life. "Residential services" includes program management, as 222
described in section 5126.14 of the Revised Code. 223

~~(O)~~(Q) "Resources" means available capital and other assets, 224
including moneys received from the federal, state, and local 225
governments, private grants, and donations; appropriately 226
qualified personnel; and appropriate capital facilities and 227
equipment. 228

~~(P)~~(R) "Senior probate judge" means the current probate judge 229
of a county who has served as probate judge of that county longer 230

than any of the other current probate judges of that county. If a 231
county has only one probate judge, "senior probate judge" means 232
that probate judge. 233

(S) "Service and support administration" means the duties 234
performed by a service and support administrator pursuant to 235
section 5126.15 of the Revised Code. 236

~~(Q)~~(T)(1) "Specialized medical, adaptive, and assistive 237
equipment, supplies, and supports" means equipment, supplies, and 238
supports that enable an individual to increase the ability to 239
perform activities of daily living or to perceive, control, or 240
communicate within the environment. 241

(2) "Specialized medical, adaptive, and assistive equipment, 242
supplies, and supports" includes the following: 243

(a) Eating utensils, adaptive feeding dishes, plate guards, 244
mylatex straps, hand splints, reaches, feeder seats, adjustable 245
pointer sticks, interpreter services, telecommunication devices 246
for the deaf, computerized communications boards, other 247
communication devices, support animals, veterinary care for 248
support animals, adaptive beds, supine boards, prone boards, 249
wedges, sand bags, sidelayers, bolsters, adaptive electrical 250
switches, hand-held shower heads, air conditioners, humidifiers, 251
emergency response systems, folding shopping carts, vehicle lifts, 252
vehicle hand controls, other adaptations of vehicles for 253
accessibility, and repair of the equipment received. 254

(b) Nondisposable items not covered by medicaid that are 255
intended to assist an individual in activities of daily living or 256
instrumental activities of daily living. 257

~~(R)~~(U) "Supportive home services" means a range of services 258
to families of individuals with mental retardation or other 259
developmental disabilities to develop and maintain increased 260
acceptance and understanding of such persons, increased ability of 261

family members to teach the person, better coordination between 262
school and home, skills in performing specific therapeutic and 263
management techniques, and ability to cope with specific 264
situations. 265

~~(S)~~(V)(1) "Supported living" means services provided for as 266
long as twenty-four hours a day to an individual with mental 267
retardation or other developmental disability through any public 268
or private resources, including moneys from the individual, that 269
enhance the individual's reputation in community life and advance 270
the individual's quality of life by doing the following: 271

(a) Providing the support necessary to enable an individual 272
to live in a residence of the individual's choice, with any number 273
of individuals who are not disabled, or with not more than three 274
individuals with mental retardation and developmental disabilities 275
unless the individuals are related by blood or marriage; 276

(b) Encouraging the individual's participation in the 277
community; 278

(c) Promoting the individual's rights and autonomy; 279

(d) Assisting the individual in acquiring, retaining, and 280
improving the skills and competence necessary to live successfully 281
in the individual's residence. 282

(2) "Supported living" includes the provision of all of the 283
following: 284

(a) Housing, food, clothing, habilitation, staff support, 285
professional services, and any related support services necessary 286
to ensure the health, safety, and welfare of the individual 287
receiving the services; 288

(b) A combination of life-long or extended-duration 289
supervision, training, and other services essential to daily 290
living, including assessment and evaluation and assistance with 291

the cost of training materials, transportation, fees, and 292
supplies; 293

(c) Personal care services and homemaker services; 294

(d) Household maintenance that does not include modifications 295
to the physical structure of the residence; 296

(e) Respite care services; 297

(f) Program management, as described in section 5126.14 of 298
the Revised Code. 299

Sec. 5126.02. (A) Each county shall either have its own 300
county board of mental retardation and developmental disabilities 301
or, pursuant to section 5126.021 or 5126.022 of the Revised Code, 302
be a member of a multicounty board of mental retardation and 303
developmental disabilities. Subject to division (B) of this 304
section: 305

(1) A county board shall be operated as a separate 306
administrative and service entity. 307

(2) The functions of a county board shall not be combined 308
with the functions of any other entity of county government. 309

(B) Division (A) of this section does not prohibit or 310
restrict any county board from sharing administrative functions or 311
personnel with one or more other county boards, including entering 312
into an arrangement authorized by division (B) of section 313
5126.0225 of the Revised Code. 314

Sec. 5126.021. Subject to sections 5126.024 and 5126.025 of 315
the Revised Code, a multicounty board of mental retardation and 316
developmental disabilities may be created if each of the 317
following, before January 1, 2007, and within a 318
one-hundred-eighty-day period, adopt an identical resolution or 319
issue an identical order providing for the creation of the 320

multicounty board: 321

(A) A majority of the members of each of the boards of county 322
commissioners seeking to create the multicounty board; 323

(B) The senior probate judge of each county served by those 324
boards of county commissioners. 325

Sec. 5126.022. Subject to sections 5126.024 and 5126.025 of 326
the Revised Code, a county that is not part of the creation of a 327
multicounty board of mental retardation and developmental 328
disabilities under section 5126.021 of the Revised Code may join 329
the multicounty board if each of the following, within a sixty-day 330
period, adopt an identical resolution or issue an identical order 331
providing for the county to join the multicounty board: 332

(A) A majority of the members of the board of county 333
commissioners of the county seeking to join the multicounty board; 334

(B) A majority of the members of each of the boards of county 335
commissioners that are members of the multicounty board; 336

(C) The senior probate judge of the county seeking to join 337
the multicounty board; 338

(D) The senior probate judge of each of the counties that are 339
members of the multicounty board. 340

Sec. 5126.023. (A) Subject to section 5126.024 of the Revised 341
Code, the board of county commissioners of a county that is a 342
member of a multicounty board of mental retardation and 343
developmental disabilities and the senior probate judge of that 344
county may terminate the county's membership in the multicounty 345
board in the manner provided in this section. To terminate the 346
county's membership in the multicounty board, the board of county 347
commissioners shall adopt a resolution, and the senior probate 348

judge shall issue an order, providing for the termination.

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(B) A resolution and order of termination adopted or issued
under this section shall specify the last day that the county will
be a member of the multicounty board. The resolution and order
also shall provide for the county to do one of the following on
the day immediately following the last day that the county will be
a member of the multicounty board:

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(1) Create a single county board of mental retardation and
developmental disabilities;

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(2) If the day immediately following the last day that the
county will be a member of the current multicounty board is before
January 1, 2007, co-create a new multicounty board pursuant to
section 5126.021 of the Revised Code;

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(3) Join a different multicounty board pursuant to section
5126.022 of the Revised Code.

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(C) A resolution and an order of termination adopted or
issued under this section shall include a plan for the equitable
adjustment and division of all services, assets, property, debts,
and obligations, if any, of the multicounty board that the county
will cease to be a member of.

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(D) Any county terminating its membership in a multicounty
board shall continue to have levied against its tax list and
duplicate any tax levied by the board of county commissioners for
mental retardation and developmental disability services during
the period in which the county was a member of the multicounty
board until the levy expires or is renewed or replaced.

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Sec. 5126.024. (A) If a board of county commissioners and
senior probate judge propose to join in the creation of, join, or
terminate the county's membership in a multicounty board of mental

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retardation and developmental disabilities as provided in section 378
5126.01, 5126.022, or 5126.023 of the Revised Code, the board of 379
county commissioners and judge shall do both of the following: 380

(1) Notify the county board of mental retardation and 381
developmental disabilities in writing of their intent to join in 382
the creation of, join, or terminate the county's membership in a 383
multicounty board, including a written explanation of the 384
administrative, fiscal, and performance considerations underlying 385
the proposed action. 386

(2) Provide the county board an opportunity to comment on the 387
proposed action; 388

(B) If the county board, not more than sixty days after 389
receiving the notice under division (A) of this section, votes to 390
oppose the proposed action and notifies the board of county 391
commissioners and judge of the vote, the county may join in 392
creation of a multicounty board, join a multicounty board, or 393
terminate the county's membership in a multicounty board only on 394
the unanimous vote of the board of county commissioners and the 395
order of that judge to proceed with the creation of, joining, or 396
termination of the county's membership in a multicounty board. 397

Sec. 5126.025. Not more than five counties may be members of 398
the same multicounty board of mental retardation and developmental 399
disabilities. Only contiguous counties may be members of the same 400
multicounty board. 401

Sec. 5126.026. A board of county commissioners shall provide 402
the director of mental retardation and developmental disabilities 403
with a copy of each resolution the board adopts under section 404
5126.021, 5126.022, or 5126.023 of the Revised Code. A senior 405
probate judge shall provide the director with a copy of each order 406

the judge issues under those sections.

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Sec. 5126.027. (A) A reference to a county board of mental
retardation and developmental disabilities in a law enacted by the
general assembly shall mean the following:

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(1) In the case of a county with its own county board, a
single county board;

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(2) In the case of a county that is a member of a multicounty
board, a multicounty board.

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(B) Unless the context provides otherwise, a law enacted by
the general assembly that refers to a county, or an entity or
official of a county, that a county board of mental retardation
and developmental disabilities serves shall be deemed to refer to
the following:

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(1) In the case of a county with a single county board, that
county or the county entity or official specified in the law;

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(2) In the case of a county that is a member of a multicounty
board, each of the counties that are members of the multicounty
board or the specified entity or official of each of those
counties.

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Sec. 5126.028. Each county board of mental retardation and
developmental disabilities shall consist of seven members. In the
case of a single county board, the board of county commissioners
of the county shall appoint five members and the senior probate
judge of the county shall appoint two members. In the case of a
multicounty board, the membership shall be appointed as follows:

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(A) If there are five member counties, the board of county
commissioners of each of the member counties shall each appoint
one member and the senior probate judges of the member counties

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with the largest and second largest population shall each appoint
one member.

(B) If there are four member counties, the board of county
commissioners of the member county with the largest population
shall appoint two members, the other three boards of county
commissioners shall each appoint one member, and the senior
probate judges of the member counties with the largest and second
largest population shall each appoint one member.

(C) If there are three member counties, the boards of county
commissioners of the member counties with the largest and second
largest populations shall each appoint two members, the other
board of county commissioners shall appoint one member, and the
senior probate judges of the member counties with the largest and
second largest population shall each appoint one member.

(D) If there are two member counties, the board of county
commissioners of the member county with the largest population
shall appoint three members, the board of county commissioners of
the other county shall appoint two members, and the senior probate
judge of each county shall each appoint one member.

Sec. 5126.029. (A) When making appointments to a county board
of mental retardation and developmental disabilities, an
appointing authority shall do all of the following:

(1) Appoint only individuals who are residents of the county
the appointing authority serves, citizens of the United States,
and interested and knowledgeable in the field of mental
retardation and other allied fields;

(2) If the appointing authority is a board of county
commissioners, appoint, subject to division (C) of this section,
at least two individuals who are immediate family members of
individuals eligible for services provided by the county board

and, whenever possible, ensure that one of those two members is an
immediate family member of an individual eligible for adult
services and the other is an immediate family member of an
individual eligible for early intervention services or services
for preschool or school-age children;

(3) If the appointing authority is a senior probate judge,
appoint, subject to division (C) of this section, at least one
individual who is an immediate family member of an individual
eligible for residential services or supported living;

(4) Appoint, to the maximum extent possible, individuals who
have professional training and experience in business management,
finance, law, health care practice, personnel administration, or
government service;

(5) Provide for the county board's membership to reflect, as
nearly as possible, the composition of the county or counties that
the county board serves.

(B) The appointing authorities of a multicounty board shall
coordinate their appointments to the extent necessary to satisfy
the requirements of this section. The coordination may provide for
one of the boards of county commissioners making one of the two
appointments required by division (B)(2) of this section and
another board of county commissioners making the other appointment
required by that division. The coordination shall ensure that at
least one of the senior probate judges satisfies the requirement
of division (B)(3) of this section.

Sec. ~~5126.021~~ 5126.0210. ~~As used in this section, "immediate~~
~~family" means parents, brothers, sisters, spouses, sons,~~
~~daughters, mothers in law, fathers in law, brothers in law,~~
~~sisters in law, sons in law, and daughters in law.~~

(A) The ~~None of the~~ following individuals ~~shall not~~ may serve

as ~~members~~ a member of a county boards board of mental retardation 495
and developmental disabilities: 496

(1) ~~Elected~~ An elected public ~~officials~~ official, except for 497
a township ~~trustees~~ trustee, township ~~clerks~~ clerk, and ~~those or~~ 498
individual excluded from the definition of public official or 499
employee in division (B) of section 102.01 of the Revised Code; 500

(2) ~~Members of the~~ An immediate family member of another 501
county board member; 502

(3) ~~Board employees and members of the~~ A county board 503
employee or immediate family member of a county board employees 504
employee; 505

(4) ~~Former board employees within~~ An individual who had been 506
employed by the county board not less than one calendar year of 507
the termination of employment with the board on which the former 508
employee before the individual would begin to serve. 509

~~(B) A person may not serve as a member of a~~ the county board 510
~~of mental retardation and developmental disabilities when either~~ 511
~~the person or a member of the person's;~~ 512

(5) An individual who or whose immediate family member is a 513
board member or an employee of an agency licensed or certified by 514
the department of mental retardation and developmental 515
disabilities to provide services to individuals with mental 516
retardation or developmental disabilities; 517

(6) An individual who or whose immediate family member is a 518
board member or employee of ~~a contract~~ an agency ~~of that~~ 519
contracting with the county board that is not licensed or 520
certified by the department of mental retardation and 521
developmental disabilities to provide services to individuals with 522
mental retardation or developmental disabilities unless there is 523
no conflict of interest. ~~In no circumstance shall a member of a~~ 524
~~county board vote on any matter before the board concerning a~~ 525

~~contract agency of which the member or a member of the member's~~ 526
~~immediate family is also a board member or an employee. All~~ 527
~~questions relating to the existence of a conflict of interest~~ 528
~~shall be submitted to the local prosecuting attorney and the Ohio~~ 529
~~ethics commission for resolution.~~ 530

~~(C) No;~~ 531

~~employee of an agency contracting with a county board of~~ 532
~~mental retardation and developmental disabilities or member of the~~ 533
~~immediate family of such an employee shall serve as a board member~~ 534
~~or an employee of the county board except that a county board may,~~ 535
~~pursuant to a resolution adopted by the board, employ a member of~~ 536
~~the immediate family of an employee of an agency contracting with~~ 537
~~the board.~~ 538

~~(D) No person shall serve as a member or employee of a county~~ 539
~~board of mental retardation and developmental disabilities if a~~ 540
~~member of the person's;~~ 541

(7) An individual with an immediate family member who serves 542
as a county commissioner of ~~the~~ a county served by the county 543
board unless the ~~person~~ individual was a member ~~or employee prior~~ 544
~~to~~ of the county board before October 31, 1980. 545

~~(E) A county board of mental retardation and developmental~~ 546
~~disabilities shall not contract with an agency whose board~~ 547
~~includes a county commissioner of the county served by the county~~ 548
~~board.~~ 549

~~(F) Notwithstanding any provision of the Revised Code to the~~ 550
~~contrary, including applicable provisions of sections 102.03,~~ 551
~~102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a~~ 552
~~county board of mental retardation and developmental disabilities~~ 553
~~also may be a member of the governing board of an agency or a~~ 554
~~political subdivision, including the board of education of a~~ 555
~~school district. The county board of mental retardation and~~ 556

~~developmental disabilities may contract with the governing board
of an agency or political subdivision whose member is also an
employee of the county board, provided that in no circumstances
shall such employee of the county board vote on any matter before
the governing board of the agency or political subdivision
concerning a county board contract or participate in any
discussion or debate regarding that contract.~~

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(B) All questions relating to the existence of a conflict of
interest for the purpose of division (A)(5) of this section shall
be submitted to the local prosecuting attorney for resolution. The
Ohio ethics commission may examine any issues arising under
Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the
Revised Code.

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Sec. 5126.0211. (A) No individual may be appointed or
reappointed to a county board of mental retardation and
developmental disabilities unless the individual, before the
appointment or reappointment, provides to the appointing authority
a written declaration specifying both of the following:

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(1) That no circumstance described in section 5126.029 of the
Revised Code exists that bars the individual from serving on the
county board;

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(2) Whether the individual or an immediate family member of
the individual has an ownership interest in or is under contract
with an agency contracting with the county board, and, if such an
ownership interest or contract exists, the identity of the agency
and the nature of the relationship to that agency.

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(B) On appointment or reappointment of an individual to the
county board, the appointing authority shall provide a copy of the
individual's declaration to the superintendent of the county
board. The declaration is a public record for the purpose of

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section 149.43 of the Revised Code.

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Sec. 5126.0212. Except for members appointed under section
5126.0213 of the Revised Code to fill a vacancy, members of a
county board of mental retardation and developmental disabilities
shall be appointed or reappointed not later than the last day of
November, commence their terms on the date of the stated annual
organizational meeting in the following January as provided under
section 5126.0215 of the Revised Code, and serve terms of four
years. The membership of an individual appointed as a relative of
a recipient of services shall not be terminated because the
services are no longer received.

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~~Sec. 5126.02 5126.0213. (A) As used in this section,~~
~~"relative" means a spouse, parent, parent in law, sibling,~~
~~sibling in law, child, child in law, grandparent, aunt, or uncle.~~

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~~(B)(1) There is hereby created in each county a county board~~
~~of mental retardation and developmental disabilities consisting of~~
~~seven members, five of whom shall be appointed by the board of~~
~~county commissioners of the county, and two of whom shall be~~
~~appointed by the probate judge of the county. Each member shall be~~
~~a resident of the county. The membership of the board shall, as~~
~~nearly as possible, reflect the composition of the population of~~
~~the county.~~

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~~All board members shall be persons interested and~~
~~knowledgeable in the field of mental retardation and other allied~~
~~fields. All board members shall be citizens of the United States.~~
~~Of the members appointed by the board of county commissioners, at~~
~~least two shall be relatives of persons eligible for services~~
~~provided by the county board of mental retardation and~~
~~developmental disabilities, and, whenever possible, one shall be a~~
~~relative of a person eligible for adult services, and the other~~

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~~shall be a relative of a person eligible for early intervention
services or services for pre school or school age children. Of the
two members appointed by the probate judge, at least one shall be
a relative of a person eligible for residential services or
supported living.~~

~~Both the board of county commissioners and the probate judge
shall appoint under this section, to the maximum extent possible,
members who fulfill any applicable requirements of this section
for appointment and who also have professional training and
experience in business management, finance, law, health care
practice, personnel administration, or government service.~~

~~(2) All appointments shall be for terms of four years. The
membership of a person appointed as a relative of a recipient of
services shall not be terminated because the services are no
longer received.~~

~~Members may be reappointed, except~~ Except as otherwise
~~provided in division (B)(3) of this section and section 5126.022~~
5126.0224 of the Revised Code, a member of a county board of
mental retardation and developmental disabilities may be
reappointed to the county board. Prior to making a reappointment,
the appointing authority shall ascertain, through written
communication with the board, that the member being considered for
reappointment meets the requirements of ~~this section and section~~
5126.022 sections 5126.028 and 5126.0224 of the Revised Code.

~~(3)~~ A member who has served during each of three consecutive
terms shall not be reappointed for a subsequent term until two
years after ceasing to be a member of the board, except that a
member who has served for ten years or less within three
consecutive terms may be reappointed for a subsequent term before
becoming ineligible for reappointment for two years.

~~(4) Within sixty days after a vacancy occurs, it shall be~~

filled by the appointing authority for the unexpired term. Any 648
member appointed to fill a vacancy occurring prior to the 649
expiration of the term for which the member's predecessor was 650
appointed shall hold office for the remainder of that term. 651
Appointment other than appointment to fill a vacancy shall be made 652
no later than the last day of November of each year, and the term 653
of office shall commence on the date of the stated annual 654
organizational meeting in January. 655

(5) Board members shall serve without compensation, but shall 656
be reimbursed for necessary expenses incurred in the conduct of 657
board business, including those incurred within the county of 658
residence. 659

(C) Each year each board member shall attend at least one 660
in-service training session provided by or approved by the 661
department of mental retardation and developmental disabilities. 662
These training sessions shall not be considered regularly 663
scheduled meetings of the board. 664

(D) A county board of mental retardation and developmental 665
disabilities shall be operated as a separate administrative and 666
service entity. The board's functions shall not be combined with 667
the functions of any other entity of county government. 668

Sec. 5126.0214. Within sixty days after a vacancy on a county 669
board of mental retardation and developmental disabilities occurs, 670
including a vacancy created under section 5126.0219 of the Revised 671
Code, the appointing authority shall fill the vacancy for the 672
unexpired term. A member appointed to fill a vacancy occurring 673
before the expiration of the term for which the member's 674
predecessor was appointed shall hold office for the remainder of 675
that term. 676

Sec. 5126.0215. Members of a county board of mental 677

retardation and developmental disabilities shall serve without 678
compensation, but shall be reimbursed for necessary expenses 679
incurred in the conduct of county board business, including 680
expenses that are incurred in the member's county of residence in 681
accordance with an established policy of the county board. 682

Sec. 5126.022 5126.0216. Each county board of mental 683
retardation and developmental disabilities shall hold an 684
organizational meeting no later than the thirty-first day of 685
January of each year and shall elect its officers, which shall 686
include a president, vice-president, and recording secretary. 687
After its annual organizational meeting, the board shall meet in 688
such manner and at such times as prescribed by rules adopted by 689
the board, but the board shall meet at least ten times annually in 690
regularly scheduled sessions in accordance with section 121.22 of 691
the Revised Code, not including in-service training sessions. A 692
majority of the board constitutes a quorum. The board shall adopt 693
rules for the conduct of its business and a record shall be kept 694
of board proceedings, which shall be open for public inspection. 695

~~A board member shall be removed from the board by the~~ 696
~~appointing authority for neglect of duty, misconduct, malfeasance,~~ 697
~~failure to attend at least one in-service training session each~~ 698
~~year, a violation of section 5126.021 of the Revised Code, or upon~~ 699
~~the absence of a member within one year from either four regularly~~ 700
~~scheduled board meetings or from two regularly scheduled board~~ 701
~~meetings if the member gave no prior notice of the member's~~ 702
~~absence. This removal provision does not apply to absences from~~ 703
~~special meetings or work sessions. The board shall supply the~~ 704
~~board member and the member's appointing authority with written~~ 705
~~notice of the charges against the member. The appointing authority~~ 706
~~shall afford the member an opportunity for a hearing, in~~ 707
~~accordance with procedures it adopts, and shall, upon determining~~ 708

~~that the charges are accurate, remove the member and appoint
another person to complete the member's term.~~

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~~A member removed from the board is ineligible for
reappointment for not less than one year. When a member is
removed, the appointing authority shall specify the time during
which the member is ineligible for reappointment. If the member is
removed for failing to attend in-service training, the board also
shall specify the training the member must complete prior to being
eligible for reappointment.~~

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Sec. 5126.0217. Each year, each member of a county board of
mental retardation and developmental disabilities shall attend at
least four hours of in-service training provided or approved by
the department of mental retardation and developmental
disabilities. This training shall not be considered regularly
scheduled meetings of the county board.

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Sec. 5126.0218. A member of a county board of mental
retardation and developmental disabilities shall be considered
present at an in-service training session even though the member
is not physically present in the room in which the session is held
if the member is connected to the session through a system that
enables the member to communicate with the individuals
participating in the session and such individuals to communicate
with the member.

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Sec. 5126.0219. In no circumstance shall a member of a county
board of mental retardation and developmental disabilities
participate in or vote on any matter before the county board
concerning a contract agency of which the member or an immediate
family member of the member is also a board member or an employee.

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Sec. 5126.0220. (A) Subject to sections 5126.0220 and

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5126.0223 of the Revised Code, an appointing authority shall 738
remove a member of a county board of mental retardation and 739
developmental disabilities for any of the following reasons: 740

(1) Neglect of duty; 741

(2) Misconduct; 742

(3) Malfeasance; 743

(4) Ineligibility to serve on the county board pursuant to 744
section 5126.029 of the Revised Code; 745

(5) Failure to attend at least four hours of in-service 746
training session each year; 747

(6) Failure to attend within one year four regularly 748
scheduled board meetings; 749

(7) Failure to attend within one year two regularly scheduled 750
board meetings if the member gave no prior notice of the member's 751
absence; 752

(8) Consistently poor performance on the county board, as 753
demonstrated by documentation that the president of the county 754
board provides to the appointing authority and the appointing 755
authority determines is convincing evidence. 756

(B) The removal provisions of divisions (A)(6) and (7) of 757
this section do not apply to absences from special meetings or 758
work sessions. 759

Sec. 5126.0221. An appointing authority shall not remove a 760
member of a county board of mental retardation and developmental 761
disabilities from the county board by reason of division (A)(5), 762
(6), or (7) of section 5126.0219 of the Revised Code if the 763
director of mental retardation and developmental disabilities 764
waives the requirement that the member be removed. The director 765

may issue the waiver only if the appointing authority requests
that the director issue the waiver and provides the director
evidence that is satisfactory to the director that the member's
absences from the in-service training sessions or regularly
scheduled board meetings are due to a serious health problem of
the member or a member of the member's immediate family. The
director's decision on whether to issue the waiver is final and
not subject to appeal.

The county board on which the member serves may pass a
resolution urging the appointing authority to request that the
director issue the waiver. The member whose absences from the
sessions or meetings are at issue may not vote on the resolution.
The appointing authority may request the waiver regardless of
whether the county board adopts the resolution.

Sec. 5126.0222. If there are grounds for the mandatory
removal of a member of a county board of mental retardation and
developmental disabilities under section 5126.0219 of the Revised
Code, the county board shall supply the board member and the
member's appointing authority with written notice of the grounds.

Sec. 5126.0223. An appointing authority shall afford a member
of a county board of mental retardation and developmental
disabilities an opportunity for a hearing on the member's proposed
removal in accordance with procedures the appointing authority
shall establish, unless the appointing authority requested that
the director of mental retardation and developmental disabilities
waive the mandatory removal under section 5126.0220 of the Revised
Code and the director refused to issue the waiver. The appointing
authority shall hold the hearing if the member requests the
hearing not later than thirty days after the date that the county
board sends the member the notice required by section 5126.0221 of

the Revised Code.

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Sec. 5126.0224. If a member of a county board of mental
retardation and developmental disabilities requests a hearing
within the time required by section 5126.0222 of the Revised Code,
the appointing authority may not remove the member from the board
before the conclusion of the hearing.

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Sec. 5126.0225. A member of a county board of mental
retardation and developmental disabilities who is removed from the
county board is ineligible for reappointment to the board for not
less than one year. The appointing authority shall specify the
time during which the member is ineligible for reappointment. If
the member is removed under division (A)(5) of section 5126.0219
of the Revised Code, the county board shall specify the training
the member must complete before being eligible for reappointment.

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Sec. ~~5126.023~~ 5126.0226. (A) Each county board of mental
retardation and developmental disabilities shall either employ a
superintendent or obtain the services of the superintendent of
another county board of mental retardation and developmental
disabilities. The board shall provide for a superintendent who is
qualified, as specified in rules adopted by the department of
mental retardation and developmental disabilities in accordance
with Chapter 119. of the Revised Code. The superintendent shall
have no voting privileges on the board.

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The board shall prescribe the duties of its superintendent
and review the superintendent's performance. The superintendent
may be removed, suspended, or demoted for cause pursuant to
section 5126.23 of the Revised Code. The board shall fix the
superintendent's compensation and reimburse the superintendent for
actual and necessary expenses.

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Each county board that employs its own superintendent shall 825
employ the superintendent under a contract. To enter into a 826
contract, the board shall adopt a resolution agreeing to the 827
contract. Each contract for employment or re-employment of a 828
superintendent shall be for a term of not less than one and not 829
more than five years. At the expiration of a superintendent's 830
current term of employment, the superintendent ~~shall~~ may be 831
re-employed ~~for a term of one year at the same salary, plus any~~ 832
~~increments that may be authorized by the board, unless.~~ If the 833
board ~~gives~~ intends not to re-employ the superintendent, the board 834
shall give the superintendent written notification of its 835
intention ~~not to re-employ the superintendent. With regard to an~~ 836
~~initial contract, if the contract is for one year, the notice~~ 837
~~shall be provided not less than sixty days prior to the contract's~~ 838
~~expiration; if the contract is for more than one year, the notice~~ 839
~~shall be provided not less than ninety days prior to the~~ 840
~~contract's expiration. With regard to contracts for re-employment,~~ 841
~~the~~ The notice shall be given not less than ninety days prior to 842
the ~~contract's~~ expiration, ~~regardless of its duration~~ the 843
superintendent's contract. 844

(B) Two or more county boards may enter into an arrangement 845
under which the superintendent of one county board acts as the 846
superintendent of another county board. To enter into such an 847
arrangement, each board shall adopt a resolution agreeing to the 848
arrangement. The resolutions shall specify the duration of the 849
arrangement and the contribution each board is to make to the 850
superintendent's compensation and reimbursement for expenses. 851

(C) If a vacancy occurs in the position of superintendent, a 852
county board may appoint a person who holds a valid 853
superintendent's certificate issued under the rules of the 854
department to work under a contract for an interim period not to 855
exceed one hundred eighty days until a permanent superintendent 856

can be employed or arranged for under division (A) or (B) of this
section. The director of the department may approve additional
periods of time for these types of interim appointments when so
requested by a resolution adopted by a county board, if the
director determines that the additional periods are warranted and
the services of a permanent superintendent are not available.

Sec. ~~5126.024~~ 5126.0227. The superintendent of the county
board of mental retardation and developmental disabilities shall:

(A) Administer the work of the board, subject to the board's
rules;

(B) Recommend to the board the changes necessary to increase
the effectiveness of the programs and services offered pursuant to
Chapters 3323. and 5126. of the Revised Code;

(C) Employ persons for all positions authorized by the board,
approve contracts of employment for management employees that are
for a term of one year or less, and approve personnel actions that
involve employees in the classified civil service as may be
necessary for the work of the board;

(D) Approve compensation for employees within the limits set
by the salary schedule and budget set by the board and in
accordance with section 5126.26 of the Revised Code, and ensure
that all employees and consultants are properly reimbursed for
actual and necessary expenses incurred in the performance of
official duties;

(E) Provide consultation to public agencies as defined in
division (C) of section 102.01 of the Revised Code, including
other county boards of mental retardation and developmental
disabilities, and to individuals, agencies, or organizations
providing services supported by the board.

The superintendent may authorize the payment of board

obligations by the county auditor.

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Sec. 5126.0228. (A) As used in this section, "specialized
services" has the same meaning as in section 5126.281 of the
Revised Code.

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(B) Except as provided in division (C) of section 5126.033 of
the Revised Code, none of the following individuals may be
employed by a county board of mental retardation and developmental
disabilities:

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(1) An employee of an agency contracting with the county
board;

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(2) An immediate family member of an employee of an agency
contracting with the county board unless the county board adopts a
resolution authorizing the immediate family member's employment
with the county board or the employment is consistent with a
policy adopted by the board establishing parameters for such
employment and the policy is consistent with Chapter 102. and
sections 2921.42, 2921.421, and 2921.43 of the Revised Code;

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(3) An individual with an immediate family member who serves
as a county commissioner of any of the counties served by the
county board unless the individual was an employee of the county
board before October 31, 1980;

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(4) An individual who is employed by, has an ownership
interest in, performs or provides administrative duties for, or is
a member of the governing board of an entity that provides
specialized services, regardless of whether the entity contracts
with the county board to provide specialized services.

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Sec. 5126.0229. As used in this section, "specialized
services" has the same meaning as in section 5126.281 of the
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Notwithstanding any provision of the Revised Code to the 916
contrary, including applicable provisions of sections 102.03, 917
102.04, 2921.42, and 2921.43 of the Revised Code, an employee of a 918
county board of mental retardation and developmental disabilities 919
also may be a member of the governing board of a political 920
subdivision, including the board of education of a school 921
district, or an agency that does not provide specialized services. 922
The county board may contract with such a governing board even 923
though the governing board includes an individual who is an 924
employee of the county board. That member of the governing board 925
may not vote on any matter before the governing board concerning a 926
contract with the county board or participate in any discussion or 927
debate regarding such a contract. 928

Sec. 5126.03. As used in this section and in sections 929
5126.031 to 5126.034 of the Revised Code: 930

(A) "Direct services contract" means any legally enforceable 931
agreement with an individual, agency, or other entity that, 932
pursuant to its terms or operation, may result in a payment from a 933
county board of mental retardation and developmental disabilities 934
to an eligible person or to a member of the immediate family of an 935
eligible person for services rendered to the eligible person. 936
"Direct services contract" includes a contract for supported 937
living pursuant to sections 5126.40 to 5126.47 of the Revised 938
Code, family support services under section 5126.11 of the Revised 939
Code, and reimbursement for transportation expenses. 940

(B) "Eligible person" means a person eligible to receive 941
services from a county board or from an entity under contract with 942
a county board. 943

(C) "Former board member" means a person whose service on the 944
county board ended less than one year prior to commencement of 945
services under a direct services contract. 946

(D) "Former employee" means a person whose employment by the 947
county board ended less than one year prior to commencement of 948
services under a direct services contract. 949

~~(E) "Immediate family" has the same meaning as in section 950~~
~~5126.021 of the Revised Code. 951~~

Sec. 5126.031. (A) Except as provided in division (B) of this 952
section, annually at the ~~organization~~ organizational meeting 953
required by section ~~5126.022~~ 5126.0215 of the Revised Code, the 954
chairperson of the county board of mental retardation and 955
developmental disabilities shall appoint three members of the 956
board to an ethics council to review all direct services 957
contracts. The board's chairperson may be one of those appointed. 958
The superintendent of the board shall be a nonvoting member of the 959
council. The chairperson shall not appoint a person to the council 960
if the person, or any member of the person's immediate family, 961
will have any interest in any direct services contract under 962
review by the council while the person serves on the council or 963
during the twelve-month period after completing service on the 964
council. If a council member or a member of the council member's 965
immediate family has or will have such an interest, the 966
chairperson shall replace the member by appointing another board 967
member to the council. 968

The council shall meet regularly as directed by the board to 969
perform its duties. Minutes shall be kept of the actions of the 970
council. The minutes shall be part of the public record of the 971
county board. 972

Any action taken by the council on direct services contracts 973
under its review shall be in public. The council shall afford an 974
affected party the opportunity to meet with the council on matters 975
related to a direct services contract or any action taken by the 976
council. 977

(B) If a county board establishes a policy specifying that 978
the board is not willing to enter into direct services contracts 979
with any person who is a board member or former board member or a 980
member of the immediate family of a board member or former board 981
member, the board may assume the responsibilities and perform the 982
duties of an ethics council specified in section 5126.032 of the 983
Revised Code. The policy shall be established by resolution 984
adopted by a majority of the members of the board in attendance at 985
a meeting at which there is a quorum and shall be in effect for 986
one year after its adoption, at which time the board shall, by 987
resolution adopted in the same manner as the initial resolution, 988
either renew the policy or establish a new one. 989

Sec. 5126.033. (A) A county board of mental retardation and 990
developmental disabilities shall not enter into a direct services 991
contract unless the contract is limited either to the actual 992
amount of the expenses or to a reasonable and allowable amount 993
projected by the board. 994

(B) A county board shall not enter into a direct services 995
contract that would result in payment to a board member, former 996
board member, employee, former employee, or member of the 997
immediate family of a board member, former board member, employee, 998
or former employee if the person who would receive services under 999
the contract stands to receive any preferential treatment or any 1000
unfair advantage over other eligible persons. 1001

(C) A county board shall not enter into a direct services 1002
contract for services provided in accordance with section 5126.11 1003
or sections 5126.40 to 5126.46 of the Revised Code under which an 1004
individual, agency, or other entity will employ ~~a management~~ 1005
~~employee, professional employee, or service employee, as defined~~ 1006
~~in section 5126.20 of the Revised Code,~~ an individual who is also 1007
an employee of that county board unless all of the following 1008

conditions are met: 1009

(1) The employee is not in a capacity to influence the award 1010
of the contract. 1011

(2) The employee has not attempted in any manner to secure 1012
the contract on behalf of the individual, agency, or other entity. 1013

(3) The employee is not employed in management level two or 1014
three according to rules adopted by the director of mental 1015
retardation and developmental disabilities and does not provide 1016
service and support administration. 1017

(4) The employee is not employed by the board during the 1018
period when the contract is developed as an administrator or 1019
supervisor responsible for approving or supervising services to be 1020
provided under the contract and agrees not to take such a position 1021
while the contract is in effect, regardless of whether the 1022
position is related to the services provided under the contract. 1023

(5) The employee has not taken any actions that create the 1024
need for the services to be provided under the contract. 1025

(6) The individual, agency, or other entity seeks the 1026
services of the employee because of the employee's expertise and 1027
familiarity with the care and condition of one or more eligible 1028
persons and other individuals with such expertise and familiarity 1029
are unavailable, or an eligible person has requested to have the 1030
services provided by that employee. 1031

The superintendent of the county board shall notify the 1032
employee and the individual, agency, or other entity that seeks 1033
the employee's services of the ethics council's determination 1034
under section 5126.032 of the Revised Code regarding the contract. 1035
The council's determination shall be binding on all parties. 1036

The employee who is the subject of the contract shall inform 1037
the superintendent of the county board of any employment the 1038

employee has outside the county board that is with any individual, 1039
agency, or other entity that has a contract with the county board. 1040

Sec. 5126.034. (A) If the requirements of section 5126.033 of 1041
the Revised Code have been met for a particular direct services 1042
contract, a former member of a county board of mental retardation 1043
and developmental disabilities, ~~former board member~~, a board 1044
employee, or former employee, or an immediate family member of a 1045
county board member, former board member, employee, or former 1046
employee, is not in violation of the restrictions in Chapter 102. 1047
and sections 2921.42 and ~~5126.021~~ 5126.029 of the Revised Code 1048
with regard to that contract. 1049

(B) Nothing in section 5126.033 of the Revised Code shall be 1050
construed to allow a member or employee of a county board to 1051
authorize, or use the authority of the member's or employee's 1052
office or employment to secure authorization of, a contract that 1053
could result in receipt by the board member or employee or a 1054
member of the immediate family of the board member or employee of 1055
payment for expenses incurred on behalf of an immediate family 1056
member who is an eligible person. 1057

Sec. 5126.037. No county board of mental retardation and 1058
developmental disabilities shall contract with an agency whose 1059
board includes a county commissioner of any of the counties served 1060
by the county board. 1061

Sec. 5126.038. (A)(1) As used in this section, "professional 1062
services" means all of the following services provided on behalf 1063
of a county board of mental retardation and developmental 1064
disabilities, members or employees of a county board, or both: 1065

(a) Lobbying and other governmental affairs services; 1066

(b) Legal services other than the legal services provided by 1067

a county prosecutor or provided for the purpose of collective bargaining; 1068
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(c) Public relation services; 1070

(d) Consulting services; 1071

(e) Personnel training services, not including tuition or professional growth reimbursement programs for county board members or employees. 1072
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(2) "Professional services" does not mean services provided pursuant to a service contract as defined in section 5126.035 of the Revised Code. 1075
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(B) Each county board of mental retardation and developmental disabilities shall submit to the board of county commissioners of each county that is served by the county board, in accordance with the normal budget process and as part of its budget request, a list identifying the total expenditures projected for any of the following: 1078
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(1) Any membership dues of the members or employees of the county board, in any organization, association, or other entity; 1084
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(2) Any professional services of the county board, its members or employees, or both; 1086
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(3) Any training of the members or employees of the county board. 1088
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Sec. 5126.056. (A) The department of mental retardation and developmental disabilities shall take action under division (B) of this section against a county board of mental retardation and developmental disabilities if any of the following are the case: 1090
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(1) The county board fails to submit to the department all the components of its three-year plan required by section 5126.054 of the Revised Code within the time required by division (B) of 1094
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that section. 1097

(2) The department disapproves the county board's three-year 1098
plan under section 5123.046 of the Revised Code. 1099

(3) The county board fails, as required by division (C) of 1100
section 5126.054 of the Revised Code, to update and renew its 1101
three-year plan in accordance with a schedule the department 1102
develops under that section. 1103

(4) The county board fails to implement its initial or 1104
renewed three-year plan approved by the department. 1105

(5) The county board fails to correct a deficiency within the 1106
time required by division (G) of section 5126.055 of the Revised 1107
Code to the satisfaction of the department. 1108

(6) The county board fails to submit an acceptable plan of 1109
correction to the department within the time required by division 1110
(G)(2) of section 5126.055 of the Revised Code. 1111

(B) If required by division (A) of this section to take 1112
action against a county board, the department shall issue an order 1113
terminating the county board's medicaid local administrative 1114
authority over all or part of home and community-based services, 1115
medicaid case management services, habilitation center services, 1116
all or part of two of those services, or all or part of all three 1117
of those services. The department shall provide a copy of the 1118
order to the board of county commissioners, senior probate judge, 1119
county auditor, and president and superintendent of the county 1120
board. The department shall specify in the order the medicaid 1121
local administrative authority that the department is terminating, 1122
the reason for the termination, and the county board's option and 1123
responsibilities under this division. 1124

A county board whose medicaid local administrative authority 1125
is terminated may, not later than thirty days after the department 1126

issues the termination order, recommend to the department that
another county board that has not had any of its medicaid local
administrative authority terminated or another entity the
department approves administer the services for which the county
board's medicaid local administrative authority is terminated. The
department may contract with the other county board or entity to
administer the services. If the department enters into such a
contract, the county board shall adopt a resolution giving the
other county board or entity full medicaid local administrative
authority over the services that the other county board or entity
is to administer. The other county board or entity shall be known
as the contracting authority.

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If the department rejects the county board's recommendation
regarding a contracting authority, the county board may appeal the
rejection under section 5123.043 of the Revised Code.

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If the county board does not submit a recommendation to the
department regarding a contracting authority within the required
time or the department rejects the county board's recommendation
and the rejection is upheld pursuant to an appeal, if any, under
section 5123.043 of the Revised Code, the department shall appoint
an administrative receiver to administer the services for which
the county board's medicaid local administrative authority is
terminated. To the extent necessary for the department to appoint
an administrative receiver, the department may utilize employees
of the department, management personnel from another county board,
or other individuals who are not employed by or affiliated with in
any manner a person that provides home and community-based
services, medicaid case management services, or habilitation
center services pursuant to a contract with any county board. The
administrative receiver shall assume full administrative
responsibility for the county board's services for which the
county board's medicaid local administrative authority is

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terminated. 1159

The contracting authority or administrative receiver shall 1160
develop and submit to the department a plan of correction to 1161
remediate the problems that caused the department to issue the 1162
termination order. If, after reviewing the plan, the department 1163
approves it, the contracting authority or administrative receiver 1164
shall implement the plan. 1165

The county board shall transfer control of state and federal 1166
funds it is otherwise eligible to receive for the services for 1167
which the county board's medicaid local administrative authority 1168
is terminated and funds the county board may use under division 1169
(B) of section 5126.057 of the Revised Code to pay the nonfederal 1170
share of the services that the county board is required by 1171
division (A) of that section to pay. The county board shall 1172
transfer control of the funds to the contracting authority or 1173
administrative receiver administering the services. The amount the 1174
county board shall transfer shall be the amount necessary for the 1175
contracting authority or administrative receiver to fulfill its 1176
duties in administering the services, including its duties to pay 1177
its personnel for time worked, travel, and related matters. If the 1178
county board fails to make the transfer, the department may 1179
withhold the state and federal funds from the county board and 1180
bring a mandamus action against the county board in the court of 1181
common pleas of the county served by the county board or in the 1182
Franklin county court of common pleas. The mandamus action may not 1183
require that the county board transfer any funds other than the 1184
funds the county board is required by division (B) of this section 1185
to transfer. 1186

The contracting authority or administrative receiver has the 1187
right to authorize the payment of bills in the same manner that 1188
the county board may authorize payment of bills under this chapter 1189
and section 319.16 of the Revised Code. 1190

Sec. 5126.058. (A) Each county board of mental retardation 1191
and developmental disabilities shall prepare a memorandum of 1192
understanding that is developed by all of the following and that 1193
is signed by the persons identified in divisions (A)~~(3)~~(2) to 1194
~~(8)~~(7) of this section: 1195

(1) ~~If there is only one probate judge in the county, the~~ The 1196
senior probate judge of the county or the senior probate judge's 1197
representative; 1198

(2) ~~If there is more than one probate judge in the county, a~~ 1199
~~probate judge or the probate judge's representative selected by~~ 1200
~~the probate judges or, if they are unable to do so for any reason,~~ 1201
~~the probate judge who is senior in point of service or the senior~~ 1202
~~probate judge's representative;~~ 1203

~~(3)~~ The county peace officer; 1204

~~(4)~~(3) All chief municipal peace officers within the county; 1205

~~(5)~~(4) Other law enforcement officers handling abuse, 1206
neglect, and exploitation of mentally retarded and developmentally 1207
disabled persons in the county; 1208

~~(6)~~(5) The prosecuting attorney of the county; 1209

~~(7)~~(6) The public children services agency; 1210

~~(8)~~(7) The coroner of the county. 1211

(B) A memorandum of understanding shall set forth the normal 1212
operating procedure to be employed by all concerned officials in 1213
the execution of their respective responsibilities under this 1214
section and sections 313.12, 2151.421, 2903.16, 5126.31, and 1215
5126.33 of the Revised Code and shall have as its primary goal the 1216
elimination of all unnecessary interviews of persons who are the 1217
subject of reports made pursuant to this section. A failure to 1218
follow the procedure set forth in the memorandum by the concerned 1219

officials is not grounds for, and shall not result in, the 1220
dismissal of any charge or complaint arising from any reported 1221
case of abuse, neglect, or exploitation or the suppression of any 1222
evidence obtained as a result of any reported abuse, neglect, or 1223
exploitation and does not give any rights or grounds for appeal or 1224
post-conviction relief to any person. 1225

(C) A memorandum of understanding shall include, but is not 1226
limited to, all of the following: 1227

(1) The roles and responsibilities for handling emergency and 1228
nonemergency cases of abuse, neglect, or exploitation; 1229

(2) The roles and responsibilities for handling and 1230
coordinating investigations of reported cases of abuse, neglect, 1231
or exploitation and methods to be used in interviewing the person 1232
who is the subject of the report and who allegedly was abused, 1233
neglected, or exploited; 1234

(3) The roles and responsibilities for addressing the 1235
categories of persons who may interview the person who is the 1236
subject of the report and who allegedly was abused, neglected, or 1237
exploited; 1238

(4) The roles and responsibilities for providing victim 1239
services to mentally retarded and developmentally disabled persons 1240
pursuant to Chapter 2930. of the Revised Code; 1241

(5) The roles and responsibilities for the filing of criminal 1242
charges against persons alleged to have abused, neglected, or 1243
exploited mentally retarded or developmentally disabled persons. 1244

(D) A memorandum of understanding may be signed by victim 1245
advocates, municipal court judges, municipal prosecutors, and any 1246
other person whose participation furthers the goals of a 1247
memorandum of understanding, as set forth in this section. 1248

Sec. 5126.081. (A) In addition to the rules adopted under 1249

division (A)(2) of section 5126.08 of the Revised Code 1250
establishing standards for the administration, provision, 1251
arrangement, and operation of programs and services by county 1252
boards of mental retardation and developmental disabilities, the 1253
department of mental retardation and developmental disabilities 1254
shall establish a system of accreditation for county boards of 1255
mental retardation and developmental disabilities to ensure that 1256
the boards are in compliance with federal and state statutes and 1257
rules. The department shall adopt rules in accordance with Chapter 1258
119. of the Revised Code governing the system of accreditation. 1259
The rules shall include appropriate timelines for compliance when 1260
a board is found to be not in compliance and appropriate actions 1261
to be taken by boards in complying with the accreditation 1262
requirements. 1263

(B) Prior to accrediting a board, the department shall 1264
conduct a comprehensive, on-site review of the board. During the 1265
review, the department shall document the board's compliance with 1266
the department's accreditation requirements. After completing the 1267
review, the department shall conduct an exit conference with the 1268
president of the board, the superintendent of the board, and any 1269
other officials the board asks to have present. The department 1270
shall discuss its findings from the review with the board's 1271
representatives and provide a written report of its findings not 1272
later than thirty days following the exit conference. If the 1273
department finds that the board is in compliance with the 1274
requirements for accreditation, the department shall issue 1275
evidence of accreditation to the board. 1276

Accreditation may be granted for periods of up to five years 1277
and may be renewed. Not less than once prior to the date a board's 1278
accreditation is scheduled to expire, the department shall conduct 1279
a comprehensive, on-site review of the board. 1280

Each board shall conduct an annual audit of itself to 1281

evaluate its compliance with the requirements for accreditation. 1282
The department may conduct an interim review of any new program or 1283
service initiated by a board after its last comprehensive review. 1284
The department may conduct other reviews and investigations as 1285
necessary to enforce this section. 1286

(C) If the department determines through its review of a 1287
board that the board is not in compliance with the requirements 1288
for accreditation, the department shall, except as provided in 1289
division (F) of this section, grant the board an opportunity to 1290
correct the matters in which it is not in compliance. The 1291
department shall grant the board an appropriate length of time to 1292
comply with the requirements prior to taking any action to deny 1293
accreditation to the board. To avoid denial of accreditation, the 1294
board superintendent shall prepare a plan of correction to 1295
remediate the matters specified in the department's written report 1296
as not being in compliance with the requirements for 1297
accreditation. The superintendent shall submit the plan to the 1298
board for review, and the board shall review the plan. If the 1299
board believes that the plan is sufficient to correct the matters, 1300
the board shall approve the plan by resolution and submit the plan 1301
to the department for its review. The department shall review the 1302
plan of correction. If the department approves the plan, the board 1303
shall commence action to implement the plan. The department shall, 1304
as necessary, conduct follow-up reviews of the board to determine 1305
whether it has met the requirements for accreditation. If the plan 1306
of correction submitted by a board is disapproved, the department 1307
shall inform the board of the reasons for disapproval and may 1308
grant the board an opportunity to submit a revised plan of 1309
correction. 1310

A board may request technical assistance from the department, 1311
other boards, or professional organizations in preparing plans of 1312
correction and in implementing plans of correction. 1313

(D) If, after being given the opportunity to implement a plan 1314
of correction, a board continues to fail to meet the requirements 1315
for accreditation, the department shall issue an order denying 1316
accreditation to the board. The department may deny accreditation 1317
to the board for all or part of the programs or services offered 1318
by the board. 1319

The department shall simultaneously notify all of the 1320
following officials in the county: the members of the board of 1321
county commissioners, the senior probate judge, the county 1322
auditor, and the president and superintendent of the county board 1323
of mental retardation and developmental disabilities. The notice 1324
shall identify the programs and services that have been denied 1325
accreditation, the requirements for accreditation with which the 1326
board is not in compliance, and the responsibilities of the county 1327
officials to contract under division (E)(1) of this section to 1328
have the board's programs and services administered by another 1329
party or become subject to administrative receivership under 1330
division (E)(2) of this section. 1331

(E)(1) When a board is denied accreditation, the department 1332
shall first give the board the option of contracting to have the 1333
board's programs and services that were denied accreditation 1334
administered by an accredited county board of mental retardation 1335
and developmental disabilities or another qualified entity subject 1336
to the approval of the department. The board may contract with 1337
more than one board that has been accredited. When a board enters 1338
into a contract, the board shall, by resolution, give the 1339
contractor full administrative authority over the programs and 1340
services that the contractor will administer. 1341

(2) If a board fails to exercise its option of entering into 1342
a contract under division (E)(1) of this section sooner than 1343
thirty days after the department denies accreditation, the 1344
department shall appoint an administrative receiver of the board's 1345

programs and services that were denied accreditation. The 1346
department may appoint employees of the department, management 1347
personnel from county boards of mental retardation and 1348
developmental disabilities, or individuals from other entities as 1349
necessary to meet its needs for appointing an administrative 1350
receiver, except that individuals from other entities may be 1351
appointed only when qualified department employees or board 1352
management personnel are unavailable. The department may not 1353
appoint an individual who is employed by or affiliated with an 1354
entity that is under contract with the board. The administrative 1355
receiver shall assume full administrative responsibility for the 1356
board's programs and services that were denied accreditation. 1357

(3) The board or entity that contracts with a board under 1358
division (E)(1) of this section, or the administrative receiver 1359
appointed under division (E)(2) of this section, shall develop and 1360
implement a plan of correction to remediate the matters that 1361
caused the department to deny accreditation. The contractor or 1362
administrative receiver shall submit the plan to the department, 1363
and the department shall review the plan. If the plan is approved 1364
by the department, the contractor or administrative receiver shall 1365
commence action to implement the plan. The contractor or 1366
administrative receiver shall report to the department any 1367
findings it can make pertaining to issues or circumstances that 1368
are beyond the control of the board and result in the unlikelihood 1369
that compliance with the requirements for accreditation can be 1370
achieved unless the issues or circumstances are remediated. 1371

(4) For purposes of divisions (E)(1) and (2) of this section, 1372
the department shall require the board that has been denied 1373
accreditation to transfer control of state and federal funds it is 1374
eligible to receive for the board's programs and services that 1375
have been denied accreditation in an amount necessary for the 1376
contractor or administrative receiver to fulfill its duties in 1377

administering the programs and services for the board. The
transfer of control of funds does not cause any programs and
services of the board that are accredited to lose their
accreditation. If the board refuses to transfer control of funds,
the department may withhold state and federal funds from the board
in an amount necessary for the contractor or administrative
receiver to fulfill its duties. The amount transferred or withheld
from a board shall include reimbursements for the personnel of the
contractor or administrative receiver, including amounts for time
worked, travel, and related expenses.

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A contractor or administrative receiver that has assumed the
administration of a board's programs and services has the right to
authorize the payment of bills in the same manner that a board may
authorize payment of bills under this chapter and section 319.16
of the Revised Code.

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(F) When the department's review of a board reveals serious
health and safety issues within the programs and services offered
by the board, the department shall order the board to correct the
violations immediately or appoint an administrative receiver.

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(G) At any time a board can demonstrate that it is capable of
assuming its duties in compliance with the department's
requirements for accreditation, the department shall reverse its
order denying accreditation and issue evidence of accreditation to
the board.

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A board may appeal the department's denial of accreditation
or refusal to reverse a denial of accreditation only by filing a
complaint under section 5123.043 of the Revised Code. If in its
appeal the board can demonstrate that it is capable of assuming
its duties in compliance with the department's requirements for
accreditation, the department shall reverse its order denying
accreditation and shall issue evidence of accreditation to the

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board. 1409

(H) All notices issued to a board by the department under 1410
this section shall be delivered to the board's president and 1411
superintendent. 1412

(I) A board's president may designate another member of the 1413
board as the individual to be responsible for fulfilling all or 1414
part of the president's responsibilities established under this 1415
section. 1416

Sec. 5126.30. As used in sections 5126.30 to 5126.34 of the 1417
Revised Code: 1418

(A) "Adult" means a person eighteen years of age or older 1419
with mental retardation or a developmental disability. 1420

(B) "Caretaker" means a person who is responsible for the 1421
care of an adult by order of a court, including an order of 1422
guardianship, or who assumes the responsibility for the care of an 1423
adult as a volunteer, as a family member, by contract, or by the 1424
acceptance of payment for care. 1425

(C) "Abuse" has the same meaning as in section 5123.50 of the 1426
Revised Code, except that it includes a misappropriation, as 1427
defined in that section. 1428

(D) "Neglect" has the same meaning as in section 5123.50 of 1429
the Revised Code. 1430

(E) "Exploitation" means the unlawful or improper act of a 1431
caretaker using an adult or an adult's resources for monetary or 1432
personal benefit, profit, or gain, including misappropriation, as 1433
defined in section 5123.50 of the Revised Code, of an adult's 1434
resources. 1435

(F) "Working day" means Monday, Tuesday, Wednesday, Thursday, 1436
or Friday, except when that day is a holiday as defined in section 1437

1.14 of the Revised Code. 1438

(G) "Incapacitated" means lacking understanding or capacity, 1439
with or without the assistance of a caretaker, to make and carry 1440
out decisions regarding food, clothing, shelter, health care, or 1441
other necessities, but does not include mere refusal to consent to 1442
the provision of services. 1443

(H) "Emergency protective services" means protective services 1444
furnished to a person with mental retardation or a developmental 1445
disability to prevent immediate physical harm. 1446

(I) "Protective services" means services provided by the 1447
county board of mental retardation and developmental disabilities 1448
to an adult with mental retardation or a developmental disability 1449
for the prevention, correction, or discontinuance of an act of as 1450
well as conditions resulting from abuse, neglect, or exploitation. 1451

(J) "Protective service plan" means an individualized plan 1452
developed by the county board of mental retardation and 1453
developmental disabilities to prevent the further abuse, neglect, 1454
or exploitation of an adult with mental retardation or a 1455
developmental disability. 1456

(K) "Substantial risk" has the same meaning as in section 1457
2901.01 of the Revised Code. 1458

(L) "Party" means all of the following: 1459

(1) An adult who is the subject of a probate proceeding under 1460
sections 5126.30 to 5126.33 of the Revised Code; 1461

(2) A caretaker, unless otherwise ordered by the probate 1462
court; 1463

(3) Any other person designated as a party by the probate 1464
court including but not limited to, the adult's spouse, custodian, 1465
guardian, or parent. 1466

(M) "Board" ~~has the same meaning as in section 5126.02 of the~~ 1467

~~Revised Code~~ means a county board of mental retardation and 1468
developmental disabilities. 1469

Sec. 5705.191. The taxing authority of any subdivision, other 1470
than the board of education of a school district or the taxing 1471
authority of a county school financing district, by a vote of 1472
two-thirds of all its members, may declare by resolution that the 1473
amount of taxes that may be raised within the ten-mill limitation 1474
by levies on the current tax duplicate will be insufficient to 1475
provide an adequate amount for the necessary requirements of the 1476
subdivision, and that it is necessary to levy a tax in excess of 1477
such limitation for any of the purposes in section 5705.19 of the 1478
Revised Code, or to supplement the general fund for the purpose of 1479
making appropriations for one or more of the following purposes: 1480
public assistance, human or social services, relief, welfare, 1481
hospitalization, health, and support of general hospitals, and 1482
that the question of such additional tax levy shall be submitted 1483
to the electors of the subdivision at a general, primary, or 1484
special election to be held at a time therein specified. Such 1485
resolution shall not include a levy on the current tax list and 1486
duplicate unless such election is to be held at or prior to the 1487
general election day of the current tax year. Such resolution 1488
shall conform to the requirements of section 5705.19 of the 1489
Revised Code, except that a levy to supplement the general fund 1490
for the purposes of public assistance, human or social services, 1491
relief, welfare, hospitalization, health, or the support of 1492
general or tuberculosis hospitals may not be for a longer period 1493
than ten years. All other levies under this section may not be for 1494
a longer period than five years unless a longer period is 1495
permitted by section 5705.19 of the Revised Code, and the 1496
resolution shall specify the date of holding such election, which 1497
shall not be earlier than seventy-five days after the adoption and 1498
certification of such resolution. The resolution shall go into 1499

immediate effect upon its passage and no publication of the same 1500
is necessary other than that provided for in the notice of 1501
election. A copy of such resolution, immediately after its 1502
passage, shall be certified to the board of elections of the 1503
proper county or counties in the manner provided by section 1504
5705.25 of the Revised Code, and such section shall govern the 1505
arrangements for the submission of such question and other matters 1506
with respect to such election, to which section 5705.25 of the 1507
Revised Code refers, excepting that such election shall be held on 1508
the date specified in the resolution, which shall be consistent 1509
with the requirements of section 3501.01 of the Revised Code, 1510
provided that only one special election for the submission of such 1511
question may be held in any one calendar year and provided that a 1512
special election may be held upon the same day a primary election 1513
is held. Publication of notice of such election shall be made in 1514
one or more newspapers of general circulation in the county once a 1515
week for four consecutive weeks. 1516

If a majority of the electors voting on the question vote in 1517
favor thereof, the taxing authority of the subdivision may make 1518
the necessary levy within such subdivision at the additional rate 1519
or at any lesser rate outside the ten-mill limitation on the tax 1520
list and duplicate for the purpose stated in the resolution. Such 1521
tax levy shall be included in the next annual tax budget that is 1522
certified to the county budget commission. 1523

After the approval of such a levy by the electors, the taxing 1524
authority of the subdivision may anticipate a fraction of the 1525
proceeds of such levy and issue anticipation notes. In the case of 1526
a continuing levy that is not levied for the purpose of current 1527
expenses, notes may be issued at any time after approval of the 1528
levy in an amount not more than fifty per cent of the total 1529
estimated proceeds of the levy for the succeeding ten years, less 1530
an amount equal to the fraction of the proceeds of the levy 1531

previously anticipated by the issuance of anticipation notes. In 1532
the case of a levy for a fixed period that is not for the purpose 1533
of current expenses, notes may be issued at any time after 1534
approval of the levy in an amount not more than fifty per cent of 1535
the total estimated proceeds of the levy throughout the remaining 1536
life of the levy, less an amount equal to the fraction of the 1537
proceeds of the levy previously anticipated by the issuance of 1538
anticipation notes. In the case of a levy for current expenses, 1539
notes may be issued after the approval of the levy by the electors 1540
and prior to the time when the first tax collection from the levy 1541
can be made. Such notes may be issued in an amount not more than 1542
fifty per cent of the total estimated proceeds of the levy 1543
throughout the term of the levy in the case of a levy for a fixed 1544
period, or fifty per cent of the total estimated proceeds for the 1545
first ten years of the levy in the case of a continuing levy. 1546

No anticipation notes that increase the net indebtedness of a 1547
county may be issued without the prior consent of the board of 1548
county commissioners of that county. The notes shall be issued as 1549
provided in section 133.24 of the Revised Code, shall have 1550
principal payments during each year after the year of their 1551
issuance over a period not exceeding the life of the levy 1552
anticipated, and may have a principal payment in the year of their 1553
issuance. 1554

"Taxing authority" and "subdivision" have the same meanings 1555
as in section 5705.01 of the Revised Code. 1556

"Human or social services" includes a county's contributions 1557
to a multicounty board of mental retardation and developmental 1558
disabilities of which the county is a member. 1559

This section is supplemental to and not in derogation of 1560
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 1561

Sec. 5705.222. (A) At any time the board of county 1562
commissioners of any county by a majority vote of the full 1563
membership may declare by resolution and certify to the board of 1564
elections of the county that the amount of taxes which may be 1565
raised within the ten-mill limitation by levies on the current tax 1566
duplicate will be insufficient to provide the necessary 1567
requirements of the single county board of mental retardation and 1568
developmental disabilities established pursuant to Chapter 5126. 1569
of the Revised Code, or the county's contribution to a multicounty 1570
board created under that chapter of which the county is a member, 1571
and that it is necessary to levy a tax in excess of such 1572
limitation for the operation of programs and services by county 1573
boards of mental retardation and developmental disabilities and 1574
for the acquisition, construction, renovation, financing, 1575
maintenance, and operation of mental retardation and developmental 1576
disabilities facilities. 1577

Such resolution shall conform to section 5705.19 of the 1578
Revised Code, except that the increased rate may be in effect for 1579
any number of years not exceeding ten or for a continuing period 1580
of time. 1581

The resolution shall be certified and submitted in the manner 1582
provided in section 5705.25 of the Revised Code, except that it 1583
may be placed on the ballot in any election, and shall be 1584
certified to the board of elections not less than seventy-five 1585
days before the election at which it will be voted upon. 1586

If the majority of the electors voting on a levy for the 1587
support of the programs and services of the county board of mental 1588
retardation and developmental disabilities vote in favor of the 1589
levy, the board of county commissioners may levy a tax within the 1590
county at the additional rate outside the ten-mill limitation 1591
during the specified or continuing period, for the purpose stated 1592
in the resolution. The county board of mental retardation and 1593

developmental disabilities, within its budget and with the 1594
approval of the board of county commissioners through annual 1595
appropriations, shall use the proceeds of a levy approved under 1596
this section solely for the purposes authorized by this section. 1597

(B) When electors have approved a tax levy under this 1598
section, the county commissioners may anticipate a fraction of the 1599
proceeds of the levy and issue anticipation notes in accordance 1600
with section 5705.191 or 5705.193 of the Revised Code. 1601

(C) The county auditor, upon receipt of a resolution from the 1602
county board of mental retardation and developmental disabilities, 1603
shall establish a capital improvements account or a reserve 1604
balance account, or both, as specified in the resolution. The 1605
capital improvements account shall be a contingency account for 1606
the necessary acquisition, replacement, renovation, or 1607
construction of facilities and movable and fixed equipment. Upon 1608
the request of the county board of mental retardation and 1609
developmental disabilities, moneys not needed to pay for current 1610
expenses may be appropriated to this account, in amounts such that 1611
this account does not exceed twenty-five per cent of the 1612
replacement value of all capital facilities and equipment 1613
currently used by the county board of mental retardation and 1614
developmental disabilities for mental retardation and 1615
developmental disabilities programs and services. Other moneys 1616
available for current capital expenses from federal, state, or 1617
local sources may also be appropriated to this account. 1618

The reserve balance account shall contain those moneys that 1619
are not needed to pay for current operating expenses and not 1620
deposited in the capital improvements account but that will be 1621
needed to pay for operating expenses in the future. Upon the 1622
request of a county board of mental retardation and developmental 1623
disabilities, the board of county commissioners may appropriate 1624
moneys to the reserve balance account. 1625

Section 2. That existing sections 5126.01, 5126.02, 5126.021, 1626
5126.022, 5126.023, 5126.024, 5126.03, 5126.031, 5126.033, 1627
5126.034, 5126.056, 5126.058, 5126.081, 5126.30, 5705.191, and 1628
5705.222 of the Revised Code are hereby repealed. 1629

Section 3. (A) As used in this section, "immediate family" 1630
has the same meaning as in section 5126.01 of the Revised Code. 1631

Not later than thirty days after the effective date of this 1632
section, each individual who serves as a member of a county board 1633
of mental retardation and developmental disabilities on the 1634
effective date of this section shall provide to the superintendent 1635
of the county board a written declaration specifying both of the 1636
following: 1637

(1) That no circumstance described in section 5126.029 of the 1638
Revised Code exists that bars the individual from serving on the 1639
county board; 1640

(2) Whether the individual or an immediate family member of 1641
the individual has an ownership interest in or is under contract 1642
with an agency contracting with the county board, and, if such an 1643
ownership interest or contract exists, the identity of the agency 1644
and the nature of the relationship to that agency. 1645

(B) Each declaration provided to a county board 1646
superintendent under this section is a public record for the 1647
purpose of section 149.43 of the Revised Code. 1648