

As Introduced

127th General Assembly
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H. B. No. 267

Representative Huffman

Cosponsors: Representatives Evans, Chandler, Seitz, McGregor, R.

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A B I L L

To amend sections 103.71, 103.72, 103.73, 103.74, and 1
5120.55 and to enact section 103.80 of the Revised 2
Code to permit the Department of Rehabilitation 3
and Correction to establish a loan repayment 4
program for recruitment of nurses and to modify 5
the laws governing the Correctional Institution 6
Inspection Committee. 7

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

Section 1. That sections 103.71, 103.72, 103.73, 103.74, and 8
5120.55 be amended and section 103.80 of the Revised Code be 9
enacted to read as follows: 10

Sec. 103.71. There is hereby created a correctional 11
institution inspection committee as a subcommittee of the 12
legislative service commission. The committee shall consist of 13
~~eight~~ twelve persons, ~~four~~ six of whom shall be members of the 14
senate appointed by the president of the senate, not more than ~~two~~ 15
three of whom shall be members of the same political party, and 16
~~four~~ six of whom shall be members of the house of representatives 17
appointed by the speaker of the house of representatives, not more 18
than ~~two~~ three of whom shall be members of the same political 19

party. ~~Initial appointments to the committee shall be made within~~ 20
~~fifteen days after the effective date of this section and in the~~ 21
~~manner prescribed in this section. Thereafter, appointments~~ 22
Appointments to the committee shall be made within fifteen days 23
after the commencement of the first regular session of the general 24
assembly and in the manner prescribed in this section. A vacancy 25
on the committee shall be filled for the unexpired term in the 26
same manner as the original appointment. Members of the committee 27
shall serve on the committee until the appointments are made in 28
the first regular session of the following general assembly, 29
unless they cease to be members of the general assembly. The 30
committee, subject to the oversight and direction of the 31
legislative service commission, shall direct the work of the 32
director and staff of the committee. 33

Sec. 103.72. The correctional institution inspection 34
committee, by a vote of at least ~~five~~ seven members, shall select 35
from its membership a ~~chairman~~ chairperson, ~~vice-chairman~~ 36
vice-chairperson, and a secretary. The members of the committee 37
shall serve without compensation but shall be reimbursed for their 38
actual and necessary expenses incurred in the discharge of their 39
official duties. 40

Sec. 103.73. (A) The correctional institution inspection 41
committee shall do all of the following: 42

(1) Subject to division (C) of this section, establish and 43
maintain a continuing program of inspection of each state 44
correctional institution used for the custody, control, training, 45
and rehabilitation of persons convicted of crime and of each 46
private correctional facility. Subject to division (C) of this 47
section, the committee may inspect any local correctional 48
institution used for the same purposes. Subject to division (C) of 49
this section, the committee, and each member of the committee, for 50

the purpose of making an inspection pursuant to this section, 51
shall have access to any state or local correctional institution, 52
to any private correctional facility, or to any part of the 53
institution or facility and shall not be required to give advance 54
notice of, or to make prior arrangements before conducting, an 55
inspection. 56

(2) Evaluate and assist in the development of programs to 57
improve the condition or operation of correctional institutions; 58

(3) Prepare a report for submission to the succeeding general 59
assembly of the findings the committee makes in its inspections 60
and of any programs that have been proposed or developed to 61
improve the condition or operation of the correctional 62
institutions in the state. The report shall contain a separate 63
evaluation of the inmate grievance procedure at each state 64
correctional institution. The committee shall submit the report to 65
the succeeding general assembly within fifteen days after 66
commencement of that general assembly's first regular session. 67

(B) Subject to division (C) of this section, the committee 68
shall make an inspection of each state correctional institution 69
each biennium and of each private correctional facility each 70
biennium. The inspection shall include attendance at one general 71
meal period and one rehabilitative or educational program. 72

(C) An inspection of a state correctional institution, a 73
private correctional facility, or a local correctional institution 74
under division (A) or (B) of this section or under section 103.74 75
of the Revised Code, or an inspection under section 103.76 of the 76
Revised Code, is subject to and shall be conducted in accordance 77
with all of the following: 78

(1) The inspection shall not be conducted unless the 79
chairperson of the committee grants prior approval for the 80
inspection. ~~The grant of prior approval shall specify whether the~~ 81

~~inspection is to be conducted by a subcommittee appointed under 82
section 103.74 of the Revised Code or is to be conducted other 83
than by a subcommittee appointed under that section. 84~~

~~(2) The inspection shall not be conducted unless one of the 85
following applies: 86~~

~~(a) If the inspection is to be conducted by a subcommittee 87
appointed under section 103.74 of the Revised Code, at least two 88
members appointed to the committee are present for the inspection; 89~~

~~(b) If division (C)(2)(a) of this section does not apply, at 90
least one member appointed to the committee and at least one staff 91
member of the committee are present for the inspection by at least 92
one staff member of the committee and may include one or more of 93
the members appointed to the committee. 94~~

~~(3) Unless the chairperson of the committee determines that 95
the inspection must be conducted outside of normal business hours 96
for any reason, including emergency circumstances or a justifiable 97
cause that perpetuates the mission of the committee, and the 98
chairperson specifies in the grant of prior approval for the 99
inspection that the chairperson has so determined, the inspection 100
shall be conducted only during normal business hours. If the 101
chairperson determines that the inspection must be conducted 102
outside of normal business hours and the chairperson specifies in 103
the grant of prior approval for the inspection that the 104
chairperson has so determined, the inspection may be conducted 105
outside of normal business hours. 106~~

~~(4) If the inspection is to be conducted by a subcommittee 107
appointed under section 103.74 of the Revised Code, no staff 108
member of the committee may be present on the inspection unless 109
the chairperson of the committee, in the grant of prior approval 110
for the inspection, specifically authorizes staff members to be 111
present on the inspection. If the inspection is to be conducted 112~~

~~other than by a subcommittee appointed under that section, staff 113
members may be present on the inspection regardless of whether the 114
grant of prior approval contains a specific authorization for 115
staff members to be present on the inspection. 116~~

(D) As used in this section: 117

(1) "Local public entity," "out-of-state prisoner," and 118
"private contractor" have the same meanings as in section 9.07 of 119
the Revised Code. 120

(2) "Private correctional facility" means a correctional 121
facility in this state that houses out-of-state prisoners and that 122
is operated by a private contractor under a contract with a local 123
public entity pursuant to section 9.07 of the Revised Code. 124

~~Sec. 103.74. Subject to division (C) of section 103.73 of the 125
Revised Code, the chairperson of the The correctional institution 126
inspection committee may appoint subcommittees, each to consist of 127
at least two members, for the purpose of conducting inspections 128
pursuant to section 103.73 or 103.76 of the Revised Code. 129~~

~~The committee may employ a director and any other nonlegal 131
staff, who shall be in the unclassified service of the state, that 132
are necessary for the committee to carry out its duties and may 133
contract for the services of whatever nonlegal technical advisors 134
are necessary for the committee to carry out its duties. The 135
attorney general shall act as legal counsel to the committee. 136~~

The chairperson and vice-chairperson of the legislative 137
service commission shall fix the compensation of the director. The 138
director, with the approval of the director of the legislative 139
service commission, shall fix the compensation of other staff of 140
the committee in accordance with a salary schedule established by 141
the director of the legislative service commission. Contracts for 142

the services of necessary technical advisors shall be approved by 143
the director of the legislative service commission. 144

The general assembly shall biennially appropriate to the 145
correctional institution inspection committee an amount sufficient 146
to enable the committee to perform its duties. Salaries and 147
expenses incurred by the committee shall be paid from that 148
appropriation upon vouchers approved by the chairperson of the 149
committee. 150

Sec. 103.80. Any record, report, or other information 151
provided to the correctional institution inspection committee or 152
the staff members of the committee, and all work products of the 153
committee and the staff members, other than the reports submitted 154
to the general assembly under division (A)(3) of section 103.73 155
and section 103.79 of the Revised Code, are confidential. The 156
committee and staff members shall use the records, reports, or 157
other information and the work products only in the exercise of 158
the proper functions of the committee. 159

Sec. 5120.55. (A) As used in this section, ~~"physician":~~ 160

(1) "Licensed practical nurse" means an individual who holds 161
a current, valid license issued under Chapter 4723. of the Revised 162
Code that authorizes the practice of nursing as a licensed 163
practical nurse. 164

(2) "Nurse" means a registered nurse or licensed practical 165
nurse. 166

(3) "Physician" means an individual who is authorized under 167
Chapter 4731. of the Revised Code to practice medicine and 168
surgery, osteopathic medicine and surgery, or podiatry. 169

(4) "Registered nurse" means an individual who holds a 170
current, valid license issued under Chapter 4723. of the Revised 171
Code that authorizes the practice of nursing as a registered nurse 172

and includes a registered nurse who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner. 173
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(B)(1) The department of rehabilitation and correction may establish a ~~physician~~ recruitment program under which the department, by means of a contract entered into under division (C) of this section, agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a physician or nurse who agrees to provide services to inmates of correctional institutions under the department's administration. Fe 176
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(2)(a) For a physician to be eligible to participate in the program, a the physician must have attended a school that was, during the time of attendance, a medical school or osteopathic medical school in this country accredited by the liaison committee on medical education or the American osteopathic association, a college of podiatry in this country recognized as being in good standing under section 4731.53 of the Revised Code, or a medical school, osteopathic medical school, or college of podiatry located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction. 184
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(b) For a nurse to be eligible to participate in the program, the nurse must have attended a school that was, during the time of attendance, a nursing school in this country accredited by the commission of collegiate nursing education or the national league for nursing accrediting commission or a nursing school located outside this country that was acknowledged by the world health organization and verified by a member state of that organization as operating within that state's jurisdiction. 195
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(C) The department shall enter into a contract with each physician or nurse it recruits under this section. Each contract 203
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shall include at least the following terms: 205

(1) The physician or nurse agrees to provide a specified 206
scope of medical, osteopathic medical, ~~or~~ podiatric, or nursing 207
services to inmates of one or more specified state correctional 208
institutions for a specified number of hours per week for a 209
specified number of years. 210

(2) The department agrees to repay all or a specified portion 211
of the principal and interest of a government or other educational 212
loan taken by the physician or nurse for the following expenses to 213
attend, for up to a maximum of four years, a school that qualifies 214
the physician or nurse to participate in the program: 215

(a) Tuition; 216

(b) Other educational expenses for specific purposes, 217
including fees, books, and laboratory expenses, in amounts 218
determined to be reasonable in accordance with rules adopted under 219
division (D) of this section; 220

(c) Room and board, in an amount determined to be reasonable 221
in accordance with rules adopted under division (D) of this 222
section. 223

(3) The physician or nurse agrees to pay the department a 224
specified amount, which shall be no less than the amount already 225
paid by the department pursuant to its agreement, as damages if 226
the physician or nurse fails to complete the service obligation 227
agreed to or fails to comply with other specified terms of the 228
contract. The contract may vary the amount of damages based on the 229
portion of the ~~physician's~~ service obligation that remains 230
uncompleted. 231

(4) Other terms agreed upon by the parties. 232

The ~~physician's~~ lending institution of the physician or 233
nurse, or the Ohio board of regents, may be a party to the 234

contract. The contract may include an assignment to the department 235
of the ~~physician's~~ duty of the physician or nurse to repay the 236
principal and interest of the loan. 237

(D) If the department elects to implement the ~~physician~~ 238
recruitment program, it shall adopt rules in accordance with 239
Chapter 119. of the Revised Code that establish all of the 240
following: 241

(1) Criteria for designating institutions for which 242
physicians or nurses, or both, will be recruited; 243

(2) Criteria for selecting physicians or nurses, or both, for 244
participation in the program; 245

(3) Criteria for determining the portion of a ~~physician's~~ 246
loan which the department will agree to repay; 247

(4) Criteria for determining reasonable amounts of the 248
expenses described in divisions (C)(2)(b) and (c) of this section; 249

(5) Procedures for monitoring compliance by physicians or 250
nurses, or both, with the terms of their contracts; 251

(6) Any other criteria or procedures necessary to implement 252
the program. 253

Section 2. That existing sections 103.71, 103.72, 103.73, 254
103.74, and 5120.55 of the Revised Code are hereby repealed. 255

Section 3. Notwithstanding the provisions of section 103.71 256
of the Revised Code requiring that members of the Correctional 257
Institution Inspection Committee be appointed within 15 days after 258
the commencement of the first regular session of the General 259
Assembly, the four additional members of the Committee to be 260
appointed under that section, as amended by this act, shall be 261
appointed as soon as practicable after the effective date of this 262
act. 263

Notwithstanding the provisions of section 103.72 of the 264
Revised Code specifying the minimum number of votes necessary to 265
select the Committee's chairperson and vice-chairperson, the 266
increase in the number of votes necessary to select the officers 267
under that section, as amended by this act, does not affect the 268
positions held by officers selected before the Committee's four 269
additional members are appointed pursuant to this act. 270