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Senator Faber

**Cosponsors: Senators Schuring, Grendell, Wagoner, Morano, Seitz,
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Mecklenborg, Newcomb, Oelslager, Sayre, Yates, Yuko, Zehringer**

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A B I L L

To amend sections 103.73, 103.74, and 5120.55 of the 1
Revised Code to permit the Department of 2
Rehabilitation and Correction to recruit certain 3
licensed health professionals through a loan 4
repayment program and to modify the procedures 5
used by the Correctional Institution Inspection 6
Committee to inspect correctional institutions. 7

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

Section 1. That sections 103.73, 103.74, and 5120.55 of the 8
Revised Code be amended to read as follows: 9

Sec. 103.73. (A) The correctional institution inspection 10
committee shall do all of the following: 11

(1) Subject to division (C) of this section, establish and maintain a continuing program of inspection of each state correctional institution used for the custody, control, training, and rehabilitation of persons convicted of crime and of each private correctional facility. Subject to division (C) of this section, the committee may inspect any local correctional institution used for the same purposes. Subject to division (C) of this section, the committee, and each member of the committee, for the purpose of making an inspection pursuant to this section, shall have access to any state or local correctional institution, to any private correctional facility, or to any part of the institution or facility and shall not be required to give advance notice of, or to make prior arrangements before conducting, an inspection.

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

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

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

(C) An inspection of a state correctional institution, a private correctional facility, or a local correctional institution

under division (A) or (B) of this section or under section 103.74 44
of the Revised Code, or an inspection under section 103.76 of the 45
Revised Code, is subject to and shall be conducted in accordance 46
with all of the following: 47

(1) The inspection shall not be conducted unless the 48
chairperson of the committee grants prior approval for the 49
inspection. ~~The grant of prior approval shall specify whether the 50
inspection is to be conducted by a subcommittee appointed under 51
section 103.74 of the Revised Code or is to be conducted other 52
than by a subcommittee appointed under that section.~~ 53

(2) The inspection shall ~~not~~ be conducted ~~unless one of the 54
following applies:~~ 55

~~(a) If the inspection is to be conducted by a subcommittee 56
appointed under section 103.74 of the Revised Code, at least two 57
members appointed to the committee are present for the inspection;~~ 58

~~(b) If division (C)(2)(a) of this section does not apply, at 59
least one member appointed to the committee and at least one staff 60
member of the committee are present for the inspection by at least 61
one staff member of the committee and may include one or more of 62
the members appointed to the committee. 63~~

(3) Unless the chairperson of the committee determines that 64
the inspection must be conducted outside of normal business hours 65
for any reason, including emergency circumstances or a justifiable 66
cause that perpetuates the mission of the committee, and the 67
chairperson specifies in the grant of prior approval for the 68
inspection that the chairperson has so determined, the inspection 69
shall be conducted only during normal business hours. If the 70
chairperson determines that the inspection must be conducted 71
outside of normal business hours and the chairperson specifies in 72
the grant of prior approval for the inspection that the 73
chairperson has so determined, the inspection may be conducted 74

outside of normal business hours. 75

~~(4) If the inspection is to be conducted by a subcommittee 76
appointed under section 103.74 of the Revised Code, no staff 77
member of the committee may be present on the inspection unless 78
the chairperson of the committee, in the grant of prior approval 79
for the inspection, specifically authorizes staff members to be 80
present on the inspection. If the inspection is to be conducted 81
other than by a subcommittee appointed under that section, staff 82
members may be present on the inspection regardless of whether the 83
grant of prior approval contains a specific authorization for 84
staff members to be present on the inspection. 85~~

(D) As used in this section: 86

(1) "Local public entity," "out-of-state prisoner," and 87
"private contractor" have the same meanings as in section 9.07 of 88
the Revised Code. 89

(2) "Private correctional facility" means a correctional 90
facility in this state that houses out-of-state prisoners and that 91
is operated by a private contractor under a contract with a local 92
public entity pursuant to section 9.07 of the Revised Code. 93

~~**Sec. 103.74.** Subject to division (C) of section 103.73 of the 94
Revised Code, the chairperson of the The correctional institution 95
inspection committee may appoint subcommittees, each to consist of 96
at least two members, for the purpose of conducting inspections 97
pursuant to section 103.73 or 103.76 of the Revised Code. 98~~

~~The committee may employ a director and any other nonlegal 100
staff, who shall be in the unclassified service of the state, that 101
are necessary for the committee to carry out its duties and may 102
contract for the services of whatever nonlegal technical advisors 103
are necessary for the committee to carry out its duties. The 104~~

attorney general shall act as legal counsel to the committee. 105

The chairperson and vice-chairperson of the legislative 106
service commission shall fix the compensation of the director. The 107
director, with the approval of the director of the legislative 108
service commission, shall fix the compensation of other staff of 109
the committee in accordance with a salary schedule established by 110
the director of the legislative service commission. Contracts for 111
the services of necessary technical advisors shall be approved by 112
the director of the legislative service commission. 113

The general assembly shall biennially appropriate to the 114
correctional institution inspection committee an amount sufficient 115
to enable the committee to perform its duties. Salaries and 116
expenses incurred by the committee shall be paid from that 117
appropriation upon vouchers approved by the chairperson of the 118
committee. 119

Sec. 5120.55. (A) As used in this section, "~~physician~~" 120
"licensed health professional" means ~~an individual~~ any or all of 121
the following: 122

(1) A dentist who holds a current, valid license issued under 123
Chapter 4715. of the Revised Code to practice dentistry; 124

(2) A licensed practical nurse who holds a current, valid 125
license issued under Chapter 4723. of the Revised Code that 126
authorizes the practice of nursing as a licensed practical nurse; 127

(3) An optometrist who holds a current, valid certificate of 128
licensure issued under Chapter 4725. of the Revised Code that 129
authorizes the holder to engage in the practice of optometry; 130

(4) A physician who is authorized under Chapter 4731. of the 131
Revised Code to practice medicine and surgery, osteopathic 132
medicine and surgery, or podiatry; 133

(5) A psychologist who holds a current, valid license issued 134

under Chapter 4732. of the Revised Code that authorizes the 135
practice of psychology as a licensed psychologist; 136

(6) A registered nurse who holds a current, valid license 137
issued under Chapter 4723. of the Revised Code that authorizes the 138
practice of nursing as a registered nurse regardless of whether 139
the nurse is authorized to practice as an advanced practice nurse 140
as defined in section 4723.01 of the Revised Code. 141

(B)(1) The department of rehabilitation and correction may 142
establish a ~~physician~~ recruitment program under which the 143
department, by means of a contract entered into under division (C) 144
of this section, agrees to repay all or part of the principal and 145
interest of a government or other educational loan incurred by a 146
~~physician~~ licensed health professional who agrees to provide 147
services to inmates of correctional institutions under the 148
department's administration. ~~Fe~~ 149

(2)(a) For a physician to be eligible to participate in the 150
program, a the physician must have attended a school that was, 151
during the time of attendance, a medical school or osteopathic 152
medical school in this country accredited by the liaison committee 153
on medical education or the American osteopathic association, a 154
college of podiatry in this country recognized as being in good 155
standing under section 4731.53 of the Revised Code, or a medical 156
school, osteopathic medical school, or college of podiatry located 157
outside this country that was acknowledged by the world health 158
organization and verified by a member state of that organization 159
as operating within that state's jurisdiction. 160

(b) For a nurse to be eligible to participate in the program, 161
the nurse must have attended a school that was, during the time of 162
attendance, a nursing school in this country accredited by the 163
commission on collegiate nursing education or the national league 164
for nursing accrediting commission or a nursing school located 165
outside this country that was acknowledged by the world health 166

organization and verified by a member state of that organization 167
as operating within that state's jurisdiction. 168

(c) For a dentist to be eligible to participate in the 169
program, the dentist must have attended a school that was, during 170
the time of attendance, a dental college that enabled the dentist 171
to meet the requirements specified in section 4715.10 of the 172
Revised Code to be granted a license to practice dentistry. 173

(d) For an optometrist to be eligible to participate in the 174
program, the optometrist must have attended a school of optometry 175
that was, during the time of attendance, approved by the state 176
board of optometry. 177

(e) For a psychologist to be eligible to participate in the 178
program, the psychologist must have attended an educational 179
institution that, during the time of attendance, maintained a 180
specific degree program recognized by the state board of 181
psychology as acceptable for fulfilling the requirement of 182
division (B)(4) of section 4732.10 of the Revised Code. 183

(C) The department shall enter into a contract with each 184
physician licensed health professional it recruits under this 185
section. Each contract shall include at least the following terms: 186
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(1) The ~~physician~~ licensed health professional agrees to 188
provide a specified scope of medical, osteopathic medical, ~~or~~ 189
podiatric, optometric, psychological, nursing, or dental services 190
to inmates of one or more specified state correctional 191
institutions for a specified number of hours per week for a 192
specified number of years. 193

(2) The department agrees to repay all or a specified portion 194
of the principal and interest of a government or other educational 195
loan taken by the ~~physician~~ licensed health professional for the 196
following expenses to attend, for up to a maximum of four years, a 197

school that qualifies the physician <u>licensed health professional</u>	198
to participate in the program:	199
(a) Tuition;	200
(b) Other educational expenses for specific purposes,	201
including fees, books, and laboratory expenses, in amounts	202
determined to be reasonable in accordance with rules adopted under	203
division (D) of this section;	204
(c) Room and board, in an amount determined to be reasonable	205
in accordance with rules adopted under division (D) of this	206
section.	207
(3) The physician <u>licensed health professional</u> agrees to pay	208
the department a specified amount, which shall be no less than the	209
amount already paid by the department pursuant to its agreement,	210
as damages if the physician <u>licensed health professional</u> fails to	211
complete the service obligation agreed to or fails to comply with	212
other specified terms of the contract. The contract may vary the	213
amount of damages based on the portion of the physician's service	214
obligation that remains uncompleted.	215
(4) Other terms agreed upon by the parties.	216
The physician's <u>licensed health professional's</u> lending	217
institution or the Ohio board of regents, may be a party to the	218
contract. The contract may include an assignment to the department	219
of the physician's <u>licensed health professional's</u> duty to repay	220
the principal and interest of the loan.	221
(D) If the department elects to implement the physician	222
recruitment program, it shall adopt rules in accordance with	223
Chapter 119. of the Revised Code that establish all of the	224
following:	225
(1) Criteria for designating institutions for which	226
physicians <u>licensed health professionals</u> will be recruited;	227

(2) Criteria for selecting physicians <u>licensed health professionals</u> for participation in the program;	228
(3) Criteria for determining the portion of a physician's loan which the department will agree to repay;	229
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;	230
(5) Procedures for monitoring compliance by physicians <u>a licensed health professional</u> with the terms of their contracts <u>the contract the licensed health professional enters into under this section</u> ;	231
(6) Any other criteria or procedures necessary to implement the program.	232
Section 2. That existing sections 103.73, 103.74, and 5120.55 of the Revised Code are hereby repealed.	233
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