

Part 3

129HB153-HC1632/AT

Sub. H.B. 153

As Pending in H. Finance
and Appropriations

LSC 129 1066-4

HC-1632

_____ moved to amend as follows:

In line 369, after "3702.31," insert "3702.59,"

Between lines 53784 and 53785, insert:

"Sec. 3702.59. (A) The director of health shall accept for
review certificate of need applications as provided in sections
3702.592, 3702.593, and 3702.594 of the Revised Code.

(B) (1) The director shall not approve an application for a
certificate of need for the addition of long-term care beds to an
existing health care facility or for the development of a new
health care facility if any of the following apply:

(a) The existing health care facility in which the beds are
being placed has one or more waivers for life safety code
deficiencies, one or more state fire code violations, or one or
more state building code violations, and the project identified in
the application does not propose to correct all life safety code
deficiencies for which a waiver has been granted, all state fire
code violations, and all state building code violations at the
existing health care facility in which the beds are being placed;

(b) During the sixty-month period preceding the filing of the
application, a notice of proposed license revocation was issued

under section 3721.03 of the Revised Code for the existing health
care facility in which the beds are being placed or a nursing home
owned or operated by the applicant or a principal participant.

(c) During the period that precedes the filing of the
application and is encompassed by the three most recent standard
surveys of the existing health care facility in which the beds are
being placed, any of the following occurred:

(i) The facility was cited on three or more separate
occasions for final, nonappealable actual harm but not immediate
jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions
for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for
final, nonappealable actual harm but not immediate jeopardy
deficiencies and on one occasion for a final, nonappealable
immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this
state by the applicant or a principal participant or, if the
applicant or a principal participant owns or operates more than
twenty nursing homes in this state, more than ten per cent of
those nursing homes, were each cited during the period that
precedes the filing of the application for the certificate of need
and is encompassed by the three most recent standard surveys of
the nursing homes that were so cited in any of the following
manners:

(i) On three or more separate occasions for final,
nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final,
nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable

actual harm but not immediate jeopardy deficiencies and on one 50
occasion for a final, nonappealable immediate jeopardy deficiency. 51

(2) In applying divisions (B) (1) (a) to (d) of this section, 52
the director shall not consider deficiencies or violations cited 53
before the applicant or a principal participant acquired or began 54
to own or operate the health care facility at which the 55
deficiencies or violations were cited. The director may disregard 56
deficiencies and violations cited after the health care facility 57
was acquired or began to be operated by the applicant or a 58
principal participant if the deficiencies or violations were 59
attributable to circumstances that arose under the previous owner 60
or operator and the applicant or principal participant has 61
implemented measures to alleviate the circumstances. In the case 62
of an application proposing development of a new health care 63
facility by relocation of beds, the director shall not consider 64
deficiencies or violations that were solely attributable to the 65
physical plant of the existing health care facility from which the 66
beds are being relocated. 67

(C) The director also shall accept for review any application 68
for the conversion of infirmary beds to long-term care beds if the 69
infirmary meets all of the following conditions: 70

(1) Is operated exclusively by a religious order; 71

(2) Provides care exclusively to members of religious orders 72
who take vows of celibacy and live by virtue of their vows within 73
the orders as if related; 74

(3) Was providing care exclusively to members of such a 75
religious order on January 1, 1994. 76

~~At no time shall individuals other than those described in 77
division (C) (2) of this section be admitted to a facility to use 78
beds for which a certificate of need is approved under this 79~~

~~division.~~ 80

(D) Notwithstanding division (C) (2) of this section, a 81
facility that has been granted a certificate of need under 82
division (C) of this section may provide care to any of the 83
following family members of the individuals described in division 84
(C) (2) of this section: mothers, fathers, brothers, sisters, 85
brothers-in-law, sisters-in-law, or children. 86

The long-term care beds in a facility that have been granted 87
a certificate of need under division (C) of this section may not 88
be relocated pursuant to sections 3702.592 to 3702.594 of the 89
Revised Code." 90

In line 94726, after "3702.31," insert "3702.59," 91

In line 103 of the title, after "3702.31," insert "3702.59," 92

The motion was _____ agreed to.

SYNOPSIS

Nursing Facilities Operated by Religious Orders 93

R.C. 3702.59 94

Provides, in the case of a nursing facility that may provide 95
care only to members of a religious order according to the terms 96
of its certificate of need granted by the Director of Health, that 97
the facility may provide care also to the family members of the 98
facility's residents (mothers, fathers, brothers, sisters, 99
brothers-in-law, sisters-in-law, or children). 100

Provides that long-term care beds in such a nursing facility 101
may not be relocated to a new or existing long-term care facility. 102

6 _____ moved to amend as follows:

7 Between lines 99948 and 99949, insert:

8 **"Section ____.** NURSING FACILITY CAPACITY COUNCIL

9 (A) As used in this section, "nursing facility" has the
10 same meaning as in section 5111.20 of the Revised Code.

11 (B) There is hereby created the Nursing Facility Capacity
12 Council. The Council shall consist of the following members,
13 each of whom shall be appointed not later than sixty days after
14 the effective date of this section:

15 (1) One or more members of the Ohio Health Care
16 Association, appointed by the executive director or chief
17 administrative officer of the Association;

18 (2) One or more members of the Ohio Academy of Nursing
19 Homes, appointed by the executive director or chief
20 administrative officer of the Academy;

21 (3) One or more members of LeadingAge Ohio, appointed by
22 the executive director or chief administrative officer of that
23 organization;

24 (4) One or more employees of the Department of Job and
25 Family Services, appointed by the Director of Job and Family
26 Services;

27 (5) One or more employees of the Department of Aging,
28 appointed by the Director of Aging;

29 (6) One or more employees of the Department of Health,
30 appointed by the Director of Health;

31 (7) One or more employees of the Governor's Office of
32 Health Transformation, appointed by the director of the Office.

33 Each member of the Council shall serve at the pleasure of
34 the member's appointing authority. A member shall serve without
35 compensation, except to the extent that serving on the Council
36 is considered part of the member's regular duties of employment.

37 (C)(1) The Council shall examine the current and future
38 capacity of nursing facilities in Ohio and the configuration of
39 that capacity.

40 (2) If excess capacity in nursing facilities is identified
41 pursuant to the examination conducted under division (C)(1) of
42 this section, the Council shall determine the potential effects
43 of the excess capacity and recommend actions the state or
44 private industry may take to address the excess capacity. For
45 each action recommended, the Council shall consider and explain
46 the impact of the action on all of the following:

47 (a) The excess capacity;

48 (b) The nursing facilities that would be affected by the
49 action;

50 (c) State revenues and expenditures.

51 (D) Not later than June 30, 2012, submit a written report
52 of its findings and recommendations to the Governor and, in
53 accordance with section 101.68 of the Revised Code, the General
54 Assembly. On submission of the report, the Council shall cease
55 to exist."

56 The motion was _____ agreed to.

57 SYNOPSIS

58 **Nursing Facility Capacity Council**

59 **Section ____**

60 Creates the Nursing Facility Capacity Council to study
61 current and future nursing facility capacity in Ohio and to
62 recommend actions for addressing any excess capacity that is
63 identified.

64 Requires the Council to issue a written report by June 30,
65 2012, after which the Council is terminated.

1 129HB153-HC1635.docx/ar

2 Sub. H.B. 153
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1635

6 _____ moved to amend as follows:

7 In line 476, delete "5111.271,"

8 In line 74575, delete everything after the underlined
9 period

10 Delete line 74576

11 In line 74577, delete everything before "The"

12 Delete lines 74695 through 74739

13 In line 244 of the title, delete "5111.271,"

14 The motion was _____ agreed to.

15 SYNOPSIS

16 **Nursing Facility Fines for Adverse Audit Findings**

17 **R.C. 5111.27 and 5111.271**

18 Removes from the bill a provision that would have required
19 the Department of Job and Family Services to fine a nursing
20 facility if an audit report included adverse findings exceeding
21 (1) 3% of the total amount of Medicaid-reimbursable costs that
22 were reported or (2) 20% of such costs for a particular cost
23 center.

2
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1636

6 _____ moved to amend as follows:

7 In line 404, delete "5111.54, 5111.62,"

8 In line 476, delete "5111.511,"

9 Delete lines 75038 through 75095

10 Delete lines 75140 through 75288

11 In line 94762, delete "5111.54,"

12 In line 94763, delete "5111.62,"

13 In line 152 of the title, delete "5111.54,"

14 In line 153 of the title, delete "5111.62,"

15 In line 244 of the title, delete "5111.511,"

16 The motion was _____ agreed to.

17 SYNOPSIS

18 **Nursing Facility Fiscal Emergency**

19 **R.C. 5111.511, 5111.54, and 5111.62**

20 Removes from the bill provisions that would have permitted
21 the Department of Job and Family Services, if it determined that
22 a nursing facility was experiencing or was likely to experience
23 a serious financial loss or failure jeopardizing its residents,
24 to (1) appoint a temporary fiscal emergency manager or (2) apply
25 to a common pleas court for the appointment or injunctive or
26 other relief.

2 Sub. H.B. 153
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1639

6 _____ moved to amend as follows:

7 In line 14141, after the stricken comma insert "One
8 individual appointed by the governing board of the Ohio council
9 for home care and hospice;
10 (13)"

11 The motion was _____ agreed to.

12 SYNOPSIS

13 **Patient Centered Medical Home Education Advisory Group**

14 **R.C. 185.03**

15 Adds a representative of the Ohio Council for Home Care and
16 Hospice to the Patient Centered Medical Home Education Advisory
17 Group.

1 129HB153-HC1642.docx/ar

2 Sub. H.B. 153
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1642

6 _____ moved to amend as follows:

7 In line 53454, delete the underlined comma and insert "and
8 to"; after "provide" insert "family-centered"

9 In line 53455, after "education" delete the balance of the
10 line

11 Delete lines 53456 and 53457

12 In line 53458, delete "118 Stat. 2744 (2004), 20 U.S.C.
13 1431 et seq" and insert ", services, and support that
14 acknowledge and support the vital role of families in ensuring
15 the well-being of children and that promote the optimal social,
16 emotional, cognitive, intellectual, and physical development of
17 children"

18 In line 53461, delete "Home" and insert "Family-centered
19 home"

20 In line 53462, after "families" insert "with family incomes
21 below two hundred per cent of the federal poverty guidelines
22 and"

23 In line 53463, delete "three" and insert "two"; after "age"
24 insert "and other families"

25 In line 53470, after "(B)" insert "The department shall
26 obtain written consent from a pregnant woman or a parent of an
27 infant or toddler before providing any services under the help
28 me grow program. Participation in home visiting services is
29 voluntary.

30 (C)"

31 In line 53476, delete "(C)" and insert "(D)"

32 In line 53479, delete "(D)" and insert "(E)"

33 In line 53482, delete "(E)" and insert "(F) Providers shall
34 deliver home visiting services using the parents as teachers
35 home visiting model, which is an evidence-based model that
36 focuses on parent-child interaction, development-centered
37 parenting, and family well-being. The director may select other
38 home visiting models to be used by providers delivering services
39 in addition to the parents as teachers home visiting model.

40 (G)"

41 In line 53493, delete "(F)" and insert "(H)"

42 In line 53499, delete "providers of home visiting"

43 In line 53500, delete "services and"

44 In line 53501, delete "program" and insert "part C early
45 intervention"

46 In line 53511, delete "(E)" and insert "(G)"

47 In line 53516, delete "(E)" and insert "(G)"

48 In line 53521, delete "(G)" and insert "(I)"

49 In line 99375, after "(c)" insert "Children who are at risk
50 of a delay in their social, emotional, or cognitive development;

51 (d)"

52 In line 99376, delete "either of"

53 In line 99377, delete "or" and insert a comma; after "(b)"
54 insert ", or (c)"

55 In line 99852, after "Program" insert "and for services
56 provided under the Program"

57 The motion was _____ agreed to.

58 SYNOPSIS

59 **Help Me Grow**

60 **R.C. 3701.61 and Sections 291.30 and 309.30.50**

61 Makes all of the following changes to Help Me Grow Program:

62 (1) In addition to the Program's existing purpose of
63 encouraging early prenatal and well-baby care, specifies that
64 the Program's purpose is to provide family-centered parenting
65 education, services, and support.

66 (2) Requires that the Department of Health obtain written
67 consent before providing any Help Me Grow services.

68 (3) Specifies that participation in home visiting services
69 is voluntary.

70 (4) Specifies that families with incomes below 200% of the
71 federal poverty guidelines and with a pregnant woman or an
72 infant or toddler under age two (rather than age three) are
73 eligible for home visiting services.

74 (5) Requires providers of home visiting services to deliver
75 services using the "parents as teachers home visiting model" and

76 authorizes the Director of Health to select other home visiting
77 models to be used by providers delivering services in addition
78 to that model.

79 (6) Eliminates a requirement under the bill that the
80 Director adopt rules regarding eligibility requirements for
81 providers of home visiting services and standards and procedures
82 for the provision of home visiting services.

83 (7) Authorizes the Department of Job and Family Services to
84 submit a Medicaid state plan amendment to authorize payment for
85 Help Me Grow Program services.

86 (8) If the Early Intervention Workgroup does not submit
87 recommendations by October 1, 2011, adds that the eligibility
88 criteria for Part C services to be implemented by the Director
89 may include children who are at risk of a delay in their social,
90 emotional, or cognitive development.

Sub. H.B. 153

As Pending in H. Finance

and Appropriations

LSC 129 1066-4

HC-1643

_____ moved to amend as follows:

Between lines 106288 and 106289, insert:

"Section 753.____. (A) The Governor is authorized to execute a deed in the name of the state (Kent State University) conveying to the Board of Township Trustees of Jackson Township in Stark County and its successors and assigns all of the state's right, title, and interest in the following described real estate:

Known as and being a part of the Southeast and Southwest Quarters of Section 13, Township 11 (Jackson) R-9, County of Stark, State of Ohio. Also being a part of tracts of land conveyed to the state of Ohio as recorded in Deed Volume 3109, Page 573 of the records of Stark County and being more fully bounded and described as follows:

Commencing at a hex head iron bar in a monument box (JAC 080), being the southeast corner of said Southwest Quarter of Section 13 and also being an angle point on the centerline of Dressler Road (C.R. 224) (Variable Width) as recorded in file 106 of the Stark County Engineers Office;

Thence, along the centerline of Dressler Road, N 1803'31" E a distance of 223.09 feet to the True Place of beginning for the parcel herein described;

1. Thence N 56°56'23" W a distance of 241.46 feet to a 5/8" 21
rebar set, said line passes over a 5/8" rebar set at 41.41 feet; 22

2. Thence N 01°44'30" W a distance of 230.40 feet to a 5/8" 23
rebar set; 24

3. Thence N 67°27'21" E a distance of 150.00 feet to a 5/8" 25
rebar set; 26

4. Thence S 63°25'06" E a distance of 199.60 feet to a point 27
in the centerline of Dressler Road, said line passes over a 5/8" 28
rebar set at 159.15 feet; 29

5. Thence, along the centerline of Dressler Road, S 18°03'31" 30
W a distance of 347.32 feet to the true place of beginning and 31
containing 2.025 acres of land, more or less of which 0.970 acres 32
are located in the Southeast Quarter of Section 13 and 1.055 acres 33
are located in the Southwest Quarter of Section 13. 34

The above described area is contained within the Stark County 35
Auditor's Permanent Parcel Numbers 1680061 and 1680066. 36

The basis of bearings in this description is based on the 37
Ohio North Zone, State Plane Coordinates NAD 83 (86). 38

The statement of "5/8" rebar Set" refers to a 5/8" x 30" Dia. 39
Rebar set with a plastic i.d. cap stamped "SCE". 40

This description was prepared and reviewed by Daniel J. 41
Houck, Professional Surveyor No. 7851 in March of 2010, of the 42
Stark County Engineer's Office. This description is based on a 43
survey made by the Stark County Engineer's Office in March of 44
2010, under the direction and supervision of Keith A. Bennett, 45
Professional Surveyor No. 7615. (Attachment A) 46

(B) Consideration for conveyance of the real estate is the 47
mutual benefit accruing to the state from Jackson Township's use 48
of the real estate for a fire station. 49

(C) If the use of the real estate as a fire station is discontinued, the real estate reverts to Kent State University, and Jackson Township shall raze the building currently on the real estate and remove from the real estate any contaminants relating to the building's use as a fire station.

(D) The Board of Township Trustees of Jackson Township in Stark County shall pay the costs of the conveyance.

(E) The Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration and the reverter. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Board of Township Trustees of Jackson Township in Stark County. The Board of Township Trustees of Jackson Township in Stark County shall present the deed for recording in the Office of the Stark County Recorder.

(F) This section expires one year after its effective date."

The motion was _____ agreed to.

SYNOPSIS

Land Conveyance to the Jackson Township Board of Trustees 68

Section 753. _____ 69

Authorizes the conveyance of Kent State University real estate to Jackson Township for use as a fire station. 70
71

2 Sub. H.B. 153
3 As Pending in H. Finance and Appropriations
4 LSC 129 1066-4
5 HC-1647

6 _____ moved to amend as follows:

7 In line 37678, strike through "suitable for use as
8 classroom space"

9 The motion was _____ agreed to.

10 SYNOPSIS

11 **Disposal of School District Property**

12 **R.C. 3313.41**

13 Removes existing language that specifies that school
14 district property to be offered to community schools be
15 "suitable for use as classroom space."

Sub. H.B. 153

As Pending in H. Finance

and Appropriations

LSC 129 1066-4

HC-1655

_____ moved to amend as follows:

In line 361, after "3319.14," insert "3319.141,"

Between lines 49022 and 49023, insert:

"Sec. 3319.141. Each person who is employed by any board of education in this state, except for substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis, shall be entitled to fifteen days sick leave with pay, for each year under contract, which shall be credited at the rate of one and one-fourth days per month. Teachers and regular nonteaching school employees, upon approval of the responsible administrative officer of the school district, may use sick leave for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to others, and for absence due to illness, injury, or death in the employee's immediate family. Unused sick leave shall be cumulative up to one hundred twenty work days, unless more than one hundred twenty days are approved by the employing board of education. The previously accumulated sick leave of a person who has been separated from public service, whether accumulated pursuant to section 124.38 of the Revised Code

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or pursuant to this section, shall be placed to ~~his~~ the person's 21
credit upon ~~his~~ re-employment in the public service, provided that 22
such re-employment takes place within ten years of the date of the 23
last termination from public service. A teacher or nonteaching 24
school employee who transfers from one public agency to another 25
shall be credited with the unused balance of ~~his~~ the teacher's or 26
nonteaching employee's accumulated sick leave up to the maximum of 27
the sick leave accumulation permitted in the public agency to 28
which the employee transfers. Teachers and nonteaching school 29
employees who render regular part-time, ~~seasonal, intermittent,~~ 30
per diem, or hourly service shall be entitled to sick leave for 31
the time actually worked at the same rate as that granted like 32
full-time employees, calculated in the same manner as the ratio of 33
sick leave granted to hours of service established by section 34
124.38 of the Revised Code. Each board of education may establish 35
regulations for the entitlement, crediting and use of sick leave 36
by those substitute teachers employed by such board pursuant to 37
section 3319.10 of the Revised Code who are not otherwise entitled 38
to sick leave pursuant to such section. A board of education shall 39
require a teacher or nonteaching school employee to furnish a 40
written, signed statement on forms prescribed by such board to 41
justify the use of sick leave. If medical attention is required, 42
the employee's statement shall list the name and address of the 43
attending physician and the dates when ~~he~~ the physician was 44
consulted. Nothing in this section shall be construed to waive the 45
physician-patient privilege provided by section 2317.02 of the 46
Revised Code. Falsification of a statement is grounds for 47
suspension or termination of employment under sections 3319.081 48
and 3319.16 of the Revised Code. No sick leave shall be granted or 49
credited to a teacher after ~~his~~ the teacher's retirement or 50
termination of employment. 51

Except to the extent used as sick leave, leave granted under 52

regulations adopted by a board of education pursuant to section 53
3319.08 of the Revised Code shall not be charged against sick 54
leave earned or earnable under this section. Nothing in this 55
section shall be construed to affect in any other way the granting 56
of leave pursuant to section 3319.08 of the Revised Code and any 57
granting of sick leave pursuant to such section shall be charged 58
against sick leave accumulated pursuant to this section. 59

This section shall not be construed to interfere with any 60
unused sick leave credit in any agency of government where 61
attendance records are maintained and credit has been given for 62
unused sick leave. Unused sick leave accumulated by teachers and 63
nonteaching school employees under section 124.38 of the Revised 64
Code shall continue to be credited toward the maximum accumulation 65
permitted in accordance with this section. Each newly hired 66
regular nonteaching and each regular nonteaching employee of any 67
board of education who has exhausted ~~his~~ the employee's 68
accumulated sick leave shall be entitled to an advancement of not 69
less than five days of sick leave each year, as authorized by 70
rules which each board shall adopt, to be charged against the sick 71
leave he the employee subsequently accumulates under this section. 72

This section shall be uniformly administered." 73

In line 94718, after "3319.14," insert "3319.141," 74

In line 92 of the title, after "3319.14," insert "3319.141," 75

The motion was _____ agreed to.

SYNOPSIS

Board of Education Employee Sick Leave 76

R.C. 3319.141 77

Exempts from the current law 15 days of sick leave provided 78
to each person employed by any board of education all of the 79
following people: substitutes; adult education instructors who are 80
scheduled to work the full-time equivalent of less than 120 days 81
per school year; and persons who are employed on an as-needed, 82
seasonal, or intermittent basis. 83

Requires that sick leave granted to employees who render 84
regular part-time, per diem, or hourly service be granted at a 85
rate of 4.6 hours of sick leave for each completed 80 hours of 86
service. 87

2
3 As Pending in H. Finance and Sub. H.B. 153
4 LSC 129 1066-4
5 HC-1696

6 _____ moved to amend as follows:

7 Between lines 104208 and 104209, insert:

8 "COMMUNITY PROGRAMS

9 Of the foregoing appropriation item 470401, RECLAIM Ohio,
10 an amount equal to forty-five per cent of the unexpended,
11 unencumbered balance used for the purpose of funding juvenile
12 correctional facilities, at the end of each fiscal year, is
13 hereby reappropriated to the next fiscal year, and shall be used
14 for the purpose of expanding Targeted RECLAIM, the Behavioral
15 Health Juvenile Justice Initiative, and other evidence-based
16 community programs."

17 The motion was _____ agreed to.

18 SYNOPSIS

19 **Department of Youth Services**

20 **Section 415.10**

21 Reappropriates, from one fiscal year to the next, 45% of
22 the unspent amount allocated for juvenile correctional facility
23 operations in GRF appropriation item 470401, RECLAIM Ohio, to be
24 used to expand evidence-based community treatment programs.