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***Bill Analysis***  
*Legislative Service Commission*

**Sub. S.B. 10**

126th General Assembly  
(As Reported by H. Health)

**Sens. Jordan, Wachtmann, Mumper, Hottinger, Jacobson, Austria, Goodman, Carey, Cates, Stivers, Clancy, Miller, Spada**

**Reps. Fessler, Kearns, Brown, Barrett, Beatty, S. Smith, Otterman, DeBose, Combs, Reidelbach, Harwood, Mason**

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**BILL SUMMARY**

**Multi-county MR/DD boards**

- Permits a county to become a member of a multi-county board of mental retardation and developmental disabilities (county MR/DD board) instead of maintaining a separate county MR/DD board.
- Provides that before January 1, 2007 a multi-county MR/DD board may be created if the boards of county commissioners of the counties to be included pass identical resolutions and the senior probate judges of those counties issue identical orders within a 180-day period providing for the creation of the multi-county board.
- Limits to five the number of contiguous counties that may be members of the same multi-county MR/DD board.
- Allows a county that is not part of a multi-county MR/DD board to join a multi-county board if the county's board of commissioners and senior probate judge adopt an identical resolution or order providing for the county to join the multi-county board.
- Permits a board of county commissioners and the senior probate judge of that county to terminate the county's membership in a multi-county MR/DD board and either create a single county MR/DD board, co-create a new multi-county MR/DD board with other counties if the day immediately following the last day that the county will be a member of

the current multi-county board is before January 1, 2007, or join a different multi-county MR/DD board.

- Requires a board of county commissioners and senior probate judge to notify the county MR/DD board before creating, joining, or terminating a county's membership in a multi-county MR/DD board and to provide the county MR/DD board an opportunity to comment on the proposed action.
- Provides that if the county MR/DD board votes to oppose the proposed action, the vote of the board of county commissioners to take that action must be unanimous.

#### **County board membership**

- Provides that an individual may not be appointed or reappointed to a county MR/DD board unless the individual first provides to the appointing authority a written declaration specifying (1) that no circumstance exists making the individual ineligible to serve and (2) whether the individual or an immediate family member has an ownership interest in or is under contract with an agency contracting with the board, and, if such an interest or contract exists, the agency's identity and the nature of the relationship to that agency.
- Provides that a member of a county MR/DD board is required to attend a minimum of four hours of in-service training per year and is to be considered present at an in-service training session even though the member is not physically present if the member is connected to the session through a system that enables communication between the member and other participants.

#### **Removal of board members**

- Modifies the circumstances under which a county MR/DD board member must be removed from the board, including requiring removal for consistently poor performance on the board as demonstrated by documentation the board's president provides to the appointing authority and the appointing authority determines is convincing evidence.
- Permits, under certain circumstances, the Director of Mental Retardation and Developmental Disabilities to waive a requirement that a member of a county MR/DD board be removed from the board for failure to meet attendance requirements.

- Provides that a hearing on the removal of a county MR/DD board member is not required if the member fails to make a timely request for the hearing and prohibits the appointing authority from removing the member before the conclusion of a hearing the member requested.

### **Employment by a county board**

- Prohibits, except under certain circumstances, a county MR/DD board from employing an individual who is also 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 to persons with mental retardation or a developmental disability.

### **Expenses**

- Requires each county MR/DD board to submit to the board of county commissioners of each county that is served by the county board a list of total expenditures the county board expects to make in each year covered by the budget for specified expenses, including membership dues and professional services.

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## CONTENT AND OPERATION

### *County boards of mental retardation and developmental disabilities*

(R.C. 5126.02)

Current law creates a county board of mental retardation and developmental disabilities (county MR/DD board) in each county. The bill provides instead that each county must either have its own county MR/DD board or be a member of a multi-county MR/DD board. Under current law, the board must be operated as a separate administrative and service entity, and the functions of a county board may not be combined with the functions of any other entity of county government. However, the bill specifies that these requirements do not prohibit or restrict any county board from sharing administrative functions or personnel with one or more county boards, including an arrangement described below in "*County MR/DD board superintendent*."

#### *Becoming part of a multi-county MR/DD board*

(R.C. 5126.021, 5126.022, 5126.024, and 5126.025)

Under the bill, a county may become a member of a multi-county MR/DD board by either creating a new multi-county MR/DD board with up to four other contiguous counties prior to January 1, 2007, or joining an existing multi-county MR/DD board with no more than four other contiguous counties.

A board of county commissioners and a county's senior probate judge<sup>1</sup> that propose to create or join a multi-county MR/DD board, must do both of the following:

- (1) Notify the county MR/DD board of the proposed action and provide a written explanation of the considerations underlying the proposed action;
- (2) Provide the county board an opportunity to comment on the proposed action.

If the county board, within 60 days after receiving the notice, votes to oppose the action and notifies the board of county commissioners and the judge of the vote, the action may be taken only if the board of county commissioners votes unanimously and the judge issues an order to proceed with the action.

The bill provides that boards of county commissioners and probate judges may create a multi-county MR/DD board if each of the following, prior to January 1, 2007, and within a 180-day period, adopt an identical resolution or issue an identical order providing for its creation: (1) a majority of the members of each of the boards of county commissioners seeking to create the multi-county board<sup>2</sup> (2) the senior probate judge of each county served by those boards of county commissioners.

If a county is not part of the creation of a multi-county board, the county may join a multi-county board if each of the following, within a 60-day period, adopt an identical resolution or issue an identical order providing for the county to join the multi-county board:

- (1) A majority of the members of the board of county commissioners of the county seeking to join the multi-county board;<sup>3</sup>
- (2) A majority of the members of each of the boards of county commissioners of the counties that are members of the multi-county board;

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<sup>1</sup> "Senior probate judge" means the current probate judge of a county served who has served as probate judge of that county longer than any of the other current probate judges of that county or the probate judge of the county if there is only one (R.C. 5126.01(R)).

<sup>2</sup> As noted above, if a county MR/DD board objects to creation of the multi-county board, the vote of the board of county commissioners must be unanimous.

<sup>3</sup> As noted above, if a county MR/DD board objects to joining the multi-county board, the vote of the board of county commissioners must be unanimous.

(3) The senior probate judge of the county seeking to join the multi-county board;

(4) The senior probate judge of each of the counties that are members of the multi-county board.

No more than five counties may be members of the same multi-county MR/DD board, and the counties must be contiguous.

**Terminating membership in a multi-county MR/DD board**

(R.C. 5126.023 and 5126.024)

The bill permits the board of county commissioners of a county that is a member of a multi-county MR/DD board and the senior probate judge of that county to terminate the county's membership in a multi-county MR/DD board. However, if a board of county commissioners and a county's senior probate judge propose to terminate a county's membership in a multi-county MR/DD board, they must do both of the following:

(1) Notify the county board of MR/DD of the proposed termination and provide a written explanation of the considerations underlying the proposed termination;

(2) Provide the county board an opportunity to comment on the proposed termination.

If the county board, within 60 days after receiving the notice, votes to oppose the termination and notifies the board of county commissioners and the judge of the vote, the termination may proceed only if the board of county commissioners votes unanimously and the judge issues an order to proceed with the termination.

To terminate the county's membership in the multi-county board, the board of county commissioners must adopt a resolution, and the senior probate judge must issue an order providing for the termination. The resolution and order of termination must specify the last day that the county will be a member of the multi-county board and provide for the county, on the day immediately following the last day of the county's membership in the current multi-county board, to create a single county MR/DD board, co-create a new multi-county MR/DD board with other counties if the day immediately following the last day that the county will be a member of the current multi-county board is before January 1, 2007, or join a different multi-county MR/DD board. The resolution and order must also include a plan for the equitable adjustment and division of all services, assets, property, debts, and obligations, if any, of the current multi-county board.

A county terminating its membership in a multi-county MR/DD board must continue to have levied against its tax list and duplicate any tax levied by the board of county commissioners for mental retardation and developmental disabilities during the period in which the county was a member of the multi-county board until the levy expires or is renewed or replaced.

**Copies of resolutions and orders to Director**

(R.C. 5126.026)

The bill requires that a board of county commissioners provide the Director of Mental Retardation and Developmental Disabilities a copy of each resolution the board adopts to create a multi-county MR/DD board, join an existing multi-county MR/DD board, or terminate its membership in a multi-county MR/DD board. The bill also requires that a senior probate judge provide the Director with a copy of each order the judge issues related to these issues.

**County levy for multi-county MR/DD board**

(R.C. 5705.191 and 5705.222)

The taxing authority of a political subdivision is permitted by existing law to declare that it is necessary to levy a tax to supplement the general fund for the purpose of making appropriations for one or more of certain purposes, including human or social services. The bill provides that "human or social services" includes a county's contributions to a multi-county MR/DD board of which the county is a member.

In addition to that authority, a board of county commissioners is permitted to declare by resolution and certify to the county board of elections that the amount of taxes that may be raised by levies on the current tax duplicate will be insufficient to provide the necessary requirements of the county MR/DD board and that it is necessary to levy a tax for the operation of programs and services by county MR/DD boards and for the acquisition, construction, renovation, financing, maintenance, and operation of MR/DD facilities. The bill specifies that a board of county commissioners may certify that the amount of taxes that may be so raised will be insufficient to provide the necessary requirements of the *single* county MR/DD board or the county's contribution to a multi-county MR/DD board of which the county is a member.

### **References to county MR/DD boards in state law**

(R.C. 5126.027)

The bill provides that a reference to a county MR/DD board in a law enacted by the General Assembly means, in the case of a county with its own county MR/DD board, a single county MR/DD board and, in the case of a county that is a member of a multi-county MR/DD board, a multi-county MR/DD board. Further, the bill provides that, 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 MR/DD board serves is to be deemed to refer to the following:

- (1) In the case of a county with a single county MR/DD board, that county or the county entity or official specified in the law;
- (2) In the case of a county that is a member of a multi-county MR/DD board, each of the counties that are members of the multi-county board or the specified entity or official of each of those counties.

### **Membership of county MR/DD boards**

#### **Number and appointment of members**

(R.C. 5126.028)

Current law provides for a county MR/DD board to have seven members. The bill provides that this requirement applies to both single county and multi-county boards. The bill maintains a requirement that the board of county commissioners appoint five of the members of a single county board and the county's senior probate judge appoint the other two members. In the case of a multi-county board, the bill provides for the following:

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



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

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

**Types of individuals to be included on a county MR/DD board**

(R.C. 5126.029)

Current law requires that each member of a county MR/DD board be a resident of the county. The bill requires an appointing authority to appoint only individuals who are residents of the county the appointing authority serves.<sup>4</sup> Current law requires that the membership of a county board reflect, as nearly as possible, the composition of the population of the county. The bill requires that an appointing authority provide for a county board's membership to reflect, as nearly as possible, the composition of the county or counties the county board serves.

The bill maintains current requirements that members of a county MR/DD board be citizens of the United States, be interested and knowledgeable in the field of mental retardation and other allied fields, and, to the extent possible, have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service. In addition, the bill requires that, in the case of members appointed by a board of county commissioners, at least two be immediate family members<sup>5</sup> of individuals eligible for services provided by the county MR/DD board and, whenever possible, that one of those two members be an immediate family member of an individual eligible for adult services and the other be an immediate family member of an

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<sup>4</sup> The bill defines "appointing authority" as the following (R.C. 5126.01(C)):

(a) In the case of a member of a county MR/DD board appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(b) In the case of a member of a county MR/DD board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

<sup>5</sup> The bill defines "immediate family member" as parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, and fathers-in-law (R.C. 5126.01(C)).

individual eligible for early intervention services or services for preschool or school-age children. The bill also requires that, in the case of the members appointed by a senior probate judge, at least one be an individual who is an immediate family member of an individual eligible for residential services or supported living.

The appointing authorities of a multi-county MR/DD board are required by the bill to coordinate their appointments to the extent necessary to satisfy the requirements regarding the types of individuals to be included on the board. The bill specifies that the coordination may provide for one of the boards of county commissioners making one of the two required appointments of immediate family members of individuals eligible for county MR/DD services and another board of county commissioners making the other appointment. The coordination must ensure that at least one of the senior probate judges appoints an immediate family member of an individual eligible for residential services or supported living.

**Declaration from individuals appointed to a county MR/DD board**

(R.C. 5126.0210 and 5126.0211; Section 3)

Current law, with technical modifications by the bill, specifies that certain groups of individuals may not serve on a county MR/DD board. Ineligible individuals include elected public officials (other than township trustees, township clerks, presidential electors, delegates to a national convention, and precinct, ward, or district committee members), immediate family members of another county MR/DD board member, employees and immediate family members of employees of a county MR/DD board member and immediate family members of board members of agencies that contract with an MR/DD board unless there is no conflict of interest, employees and immediate family members of employees of agencies that contract with an MR/DD board, and generally individuals with an immediate family member who is a county commissioner of a county served by the MR/DD board.

The bill modifies provisions dealing with employees and immediate family members of contract agencies. It provides that the following may not serve on a county board of MR/DD: (1) an individual who is, or whose immediate family member is, a board member or employee of an agency licensed or certified by the Department of MR/DD to provide MR/DD services or (2) an individual who is, or whose immediate family member is, a board member or employee of an agency contracting with the county board that is not licensed or certified by the Department to provide MR/DD services unless there is no conflict of interest.

Current law also prohibits former board employees within one calendar year of termination of employment with the board from being members of a

MR/DD board. The bill rewrites the prohibition to prohibit an individual who had been employed by the MR/DD board not less than one calendar year before the individual would begin to serve from being a member of the MR/DD board.

The bill provides that an individual may not be appointed or reappointed to a county MR/DD board unless the individual first provides to the appointing authority a written declaration specifying that no circumstance exists making the individual ineligible to serve on the county board. The written declaration must also specify 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. On appointment or reappointment of an individual to the county board, the appointing authority is required to provide a copy of the individual's declaration to the county board's superintendent. The bill also requires each individual serving on a county MR/DD board on the effective date of this provision of the bill to provide such a written declaration to the board's superintendent not later than 30 days after that date. The written declarations are a public record for purposes of the Public Records Law in R.C. 149.43.

#### **Resolving potential conflicts of interest**

(R.C. 5126.0210)

The bill relocates the requirement that any questions related to the existence of a conflict of interest be submitted to the local prosecuting attorney. It also provides that the Ohio Ethics Commission may examine any issues arising under Ohio ethics law (R.C. Chapter 112., and R.C. 2921.42, 2921.421, and 5921.43, not in the bill).

#### **Date of reappointments and other membership requirements**

(R.C. 5126.0212)

Current law requires that appointments to a county MR/DD board, other than appointments to fill a vacancy, must be made no later than the last day of November. The bill requires that reappointments also be made no later than the last day of November.

The bill continues but relocates the current requirements that MR/DD board members commence their terms on the date of the stated annual organizational meeting in the following January and serve terms of four years and the provision that states that the membership of an individual appointed as a relative of a recipient of services is not to be terminated because the services are no longer received.

### **Board membership reimbursement**

(R.C. 5126.0215)

The bill relocates and modifies a provision of current law that provides for the reimbursement of board member expenses. The bill states that county board members must be reimbursed for necessary expenses incurred in the conduct of county board business, including expenses incurred in the member's county of residence, in accordance with an established reimbursement policy of the county board. Members receive no other compensation.

### **Board member training**

(R.C. 5126.0217 and 5126.0218)

The bill relocates and modifies a provision of current law that requires board members attend at least one in-service training session per year. The bill specifies that board members must attend at least four hours of in-service training per year. A training session is not to be considered a regularly scheduled meeting of the board.

The bill provides that a member of a county MR/DD board is to 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 those individuals to communicate with the member.

### **Prohibition against a board member voting on certain matters**

(R.C. 5126.0219)

The bill relocates a provision of current law that provides that in no circumstance may a member of a county MR/DD board 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.

### **Removal of county MR/DD board members**

#### **Reasons for mandatory removal**

(R.C. 5126.0220)

Current law requires an appointing authority to remove a county MR/DD board member for neglect of duty, misconduct, malfeasance, failure to attend at

least one in service training session each year,<sup>6</sup> ineligibility to serve on the board under current law governing who may not serve on a county MR/DD board, or on the member's absence within one year either from four regularly scheduled board meetings or from two regularly scheduled meetings if the member failed to give prior notice.<sup>7</sup>

The bill relocates the above provision and adds a new circumstance under which removal is mandatory. An appointing authority is required to remove a member if the member has a consistently poor performance on the county MR/DD board as demonstrated by documentation that the board's president provides to the appointing authority and the appointing authority determines is convincing evidence.<sup>8</sup>

### **Waiver of mandatory removal**

(R.C. 5126.0221)

The bill establishes a process under which a member of a county MR/DD board may remain on the board even though the member failed to attend the required in-service training, failed to attend four regularly scheduled board meetings, or failed to attend two regularly scheduled board meetings without prior notice. Under the process, the appointing authority is prohibited from removing the member if the Director of Mental Retardation and Developmental Disabilities waives the requirement that the member be removed. The Director is permitted to issue the waiver only if the appointing authority requests the waiver and provides the Director evidence the Director finds satisfactory showing that the member's absences are due to a serious health problem of the member or an immediate family member. The Director's decision on whether to issue the waiver is final and not subject to appeal.

The bill permits the county MR/DD board on which the member subject to removal serves to pass a resolution urging the appointing authority to request that the Director issue the waiver. The member subject to removal is not allowed to vote on the resolution. The appointing authority may request the waiver regardless of whether the county board adopts the resolution.

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<sup>6</sup> *The bill changes this to at least four hours of in-service training each year.*

<sup>7</sup> *Removal is not required if the missed meetings were special meetings or work sessions.*

<sup>8</sup> *The bill does not indicate what constitutes "consistently poor performance."*

### **Hearing**

(R.C. 5126.0222 to 5126.0224)

Current law requires an appointing authority to afford a member subject to mandatory removal an opportunity for a hearing in accordance with procedures it adopts. The bill relocates this provision and requires the county board to supply the board member and the board member's appointing authority with written notice of the grounds for mandatory removal. The bill also conditions the holding of the hearing on the member requesting the hearing not later than 30 days after the date that the county MR/DD board sends the member notice of the grounds for the member's mandatory removal. The bill prohibits the appointing authority from removing the member before the conclusion of the hearing if the member requests the hearing within the required time. The bill provides that the appointing authority is not required to afford the member a hearing if the appointing authority requested that the Director of Mental Retardation and Developmental Disabilities waive the mandatory removal and the Director refused to issue the waiver.<sup>9</sup>

### **County MR/DD board superintendent**

(R.C. 5126.0226)

Current law requires that each county MR/DD board either employ a superintendent or obtain the services of the superintendent of another county MR/DD board. Each county that employs its own superintendent must employ the superintendent under a contract. The bill continues these provisions but renumbers the section in which they are located.

Current law provides that, at the expiration of a superintendent's contracted term of employment, the superintendent must be re-employed for a term of one year at the same salary, plus any increments that may be authorized by the county MR/DD board, unless the board gives the superintendent written notice of its intention not to re-employ the superintendent. If the expiring contract was for initial employment for one year, the notice is due no less than 60 days before the contract's expiration. If the expiring contract was for initial employment for more than one year or the expiring contract was for re-employment, the notice is due no less than 90 days before the contract's expiration. The bill repeals these provisions

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<sup>9</sup> *If the appointing authority does not afford the member a hearing and the Director of Mental Retardation and Developmental Disabilities does not give the member an opportunity to challenge the removal as part of the Director's determination of whether to issue a waiver of the mandatory removal, there could be a denial of due process since the member will not have an opportunity to challenge the allegations on which the removal is based.*

and provides instead that a superintendent may be re-employed and, if the county board intends not to re-employ the superintendent, the board must give the superintendent written notice of its intention no less than 90 days before the contract's expiration regardless of the duration of the expiring contract and of whether it was for initial employment or re-employment.

**Restrictions on who a county MR/DD board may employ**

(R.C. 5126.0210 and 5126.0228)

Current law provides that certain individuals may not be employed by a county MR/DD board. This includes employees of an agency contracting with the county board, immediate family members of such employees unless the MR/DD board adopts a resolution to employ the immediate family member, and persons with an immediate family member on the board of county commissioners served by the MR/DD board unless the person was a member prior to October 31, 1980. The bill relocates the above provisions. With regard to an immediate family member of an employee of an agency contracting with the county board, the bill provides that such a person may be employed if the employment is consistent with a policy adopted by the board establishing parameters for such employment and the employment is consistent with the Ohio ethics law.<sup>10</sup> It also adds a new group of individuals who may not be, except under certain circumstances, employed by a county board: individuals who are employed by, have an ownership interest in, perform or provide administrative duties for, or are members 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. "Specialized services" is defined as any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the Department of Mental Retardation and Developmental Disabilities.<sup>11</sup>

Current law provides that an employee of a county MR/DD board may be a member of the governing board of a political subdivision or of an agency. The bill provides that the agency may not be an agency that provides specialized services.

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<sup>10</sup> R.C. Chapter 102. and R.C. 2921.42, 2921.421, and 2921.43.

<sup>11</sup> R.C. 5126.281, not in the bill.



**Restriction on entering into direct services contract**

(R.C. 5126.033 and 5126.034)

Current law prohibits a county MR/DD board from entering into a direct services contract<sup>12</sup> for family support services or supported living under which an individual or entity will employ a management, professional, or service employee who is also an employee of the county board unless certain conditions, including the following, are met:<sup>13</sup>

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

(2) The employee has not attempted to secure the contract in any manner;

(3) The employee is not employed in certain upper management levels according to rules adopted by the Department of MR/DD.

The bill modifies this provision by prohibiting a county MR/DD board from entering into a direct services contract for family support services or supported living under which an individual, agency, or other entity will employ *an individual* who is also an employee of that county board unless the conditions are met. Also, the bill modifies the third condition by prohibiting the award of a direct services contract to an individual providing service and support administration.<sup>14</sup>

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<sup>12</sup> A "direct services contract" is a legally enforceable agreement with an individual or entity that, pursuant to its terms or operation, may result in a payment from a county MR/DD board to an individual eligible to receive services from a county board or an entity under contract with a county board or to an immediate family member of such an individual. The payment is for services rendered to the individual eligible to receive services from a county MR/DD board or an entity under contract with a county board. (R.C. 5126.03.)

<sup>13</sup> If the conditions are met, an employee of a county MR/DD board may also be employed by an individual or entity contracting with the board for family support services or supported living despite the general prohibition against a county board employing an individual who is also employed by an agency contracting with the county board.

<sup>14</sup> "Service and support administration" means the duties performed by a service and support administrator including establishing eligibility for services, assessing need for services, developing individual service plans, establishing budgets for services, assisting the selection of service providers, performing quality assurance reviews of services, and other services (R.C. 5126.01, 5126.15, not in the bill).



The bill further provides that if the conditions are met for a particular direct services contract, a *former* member of a county board, a board employee or former board employee, or an immediate family member of a county board member, former board member, employee, or former employee is not in violation of the ethics law (R.C. Chapter 102.), the law against having an unlawful interest in a public contract (R.C. 2921.42), or MR/DD law regarding who may serve on an MR/DD board (R.C. 5126.029). Removed by the bill is current law's inclusion of a current board member in this provision.

**Restriction on entering into contracts with certain agencies**

(R.C. 5126.037)

The bill prohibits a county MR/DD board from entering into a contract with an agency whose board includes a county commissioner of any of the counties served by the county board.

**Payments for membership dues and professional services**

(R.C. 5126.038)

The bill requires each county MR/DD board to 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:

- (1) Any membership dues of the members or employees of the county board, in any organization, association, or other entity;
- (2) Any professional services of the county board, its members or employees, or both;
- (3) Any training of the members or employees of the county board.

"Professional services" is defined by the bill as all of the following services provided on behalf of a county MR/DD board, members or employees of a county board, or both: (1) lobbying and other governmental affairs services, (2) legal services other than the legal services provided by a county prosecutor or provided for the purpose of collective bargaining, (3) public relation services, (4) consulting services, and (5) personnel training services, not including tuition or professional growth programs for board members or employees. "Professional services" does not mean services provided pursuant to a contract between a county board and a provider under which the provider is to provide services to an individual with mental retardation or a developmental disability.

**Order terminating county MR/DD board medicaid local administrative authority**

(R.C. 5126.056)

The bill requires the Department of Mental Retardation and Developmental Disabilities to provide, among others, the *senior* probate judge, instead of the probate judge, with a copy of the order issued by the Department terminating a county MR/DD board's medicaid local administrative authority over all or part of home and community based services, medicaid management services, habilitation center services, all or part of those two services, or all or part of all three of those services.

**Memorandum of understanding**

(R.C. 5126.058)

Current law requires that each county MR/DD board prepare a memorandum of understanding concerning reports of abuse that is developed by and signed by, among others, the probate judge of the county or the probate judge's representative. The bill requires that the memorandum be signed by the senior probate judge or that judge's representative.

**Board accreditation system**

(R.C. 5126.081)

Current law requires the Department of Mental Retardation and Developmental Disabilities to establish a system of accreditation for county MR/DD boards to ensure that the boards are in compliance with federal and state statutes and rules. If the Department determines through its review of a board that the board is not in compliance with the requirements for accreditation, the Department must generally grant the board an opportunity to correct the matters in which it is not in compliance. If, after being given the opportunity to implement a plan of correction, as required under the law, a board continues to fail to meet the requirements for accreditation, the Department must issue an order denying accreditation to the board. The bill requires the Department to simultaneously notify, among others, the *senior* probate judge (instead of the probate judge under current law) of the denial.

**Relocated provisions of current law**

The bill relocates several provisions of current law without changing the substance of the provisions. The following chart indicates the current Revised Code section and the Revised Code section in the bill.

Subject matter of provision	Current Revised Code section number	Bill's Revised Code section number
Definition of "immediate family"	R.C. 5126.021	R.C. 5126.01(L)
Filling vacancies on county MR/DD board	R.C. 5126.02(B)(4)	R.C. 5126.0214
Reimbursement of expenses of county MR/DD board members	R.C. 5126.02(B)(5)	R.C. 5126.0215
Required annual training session for members of county MR/DD board	R.C. 5126.02(C)	R.C. 5126.0217
Notice of grounds for mandatory removal of county MR/DD board member	R.C. 5126.022	R.C. 5126.0222
Period of ineligibility for membership on county MR/DD board after mandatory removal	R.C. 5126.022	R.C. 5126.0225
Employee of county MR/DD board may be member of governing board of political subdivision or agency <sup>15</sup>	R.C. 5126.021(F)	R.C. 5126.0229
County MR/DD board not contracting with agency whose board includes county commissioner of served county	R.C. 5126.021(E)	R.C. 5126.037

### **Renumbered sections**

The bill renumbers some sections of current law without making any substantive changes to the sections, by relocating some provisions of the section and not making any substantive changes to the remaining part of the section, or by relocating most of the provisions of the section and making changes to only one

<sup>15</sup> Current law refers only to an agency; however, the bill refers to an agency that does not provide specialized services, as defined in R.C. 5126.281, which is not in the bill.

part of the section. The following chart indicates the current Revised Code section and the renumbered Revised Code section in the bill.

Subject matter of provision	Current Revised Code section number	Bill's Revised Code section number
Organizational meeting of county MR/DD board	R.C. 5126.022	R.C. 5126.0216
Employment of superintendent of county MR/DD board	R.C. 5126.023	R.C. 5126.0226
Duties of superintendent of county MR/DD board	R.C. 5126.024	R.C. 5126.0227

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-24-05	p. 61
Reported, S. Judiciary on Civil Justice	02-23-05	pp. 200-201
Passed Senate (30-1)	02-23-05	pp. 203-204
Reported, H. Health	04-28-05	p. 728

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