As Introduced

132nd General Assembly
Regular Session
2017-2018

S. B. No. 193

Senator Tavares

Cosponsors: Senators Skindell, Williams, Sykes, Brown, Yuko

A BILL

To enact sections 103.85, 103.86, 103.87, and 103.88 of the Revised Code to create a long-term care inspection committee.

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

Section 1. That sections 103.85, 103.86, 103.87, and 103.88 of the Revised Code be enacted to read as follows:

Sec. 103.85. (A) As used in this section and in sections 103.86 to 103.88 of the Revised Code, "long-term care facility" means all of the following:

(1) A nursing home, as defined in section 3721.01 of the Revised Code;

(2) A facility or part of a facility that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act," 42 U.S.C. 1395 et seq. or 42 U.S.C. 1396 et seq.;

(3) A residential care facility, as defined in section 3721.01 of the Revised Code.

(B) There is hereby created a long-term care inspection

committee as a subcommittee of the legislative service commission. The committee shall consist of eight persons, four of whom shall be members of the senate appointed by the president of the senate, not more than two of whom shall be members of the same political party, and four of whom shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than two of whom shall be members of the same political party.

Initial appointments to the committee shall be made within fifteen days after the effective date of this section and in the manner prescribed in this section. Thereafter, appointments to the committee shall be made within fifteen days after the commencement of the first regular session of the general assembly and in the manner prescribed in this section. A vacancy on the committee shall be filled for the unexpired term in the same manner as the original appointment. Members of the committee shall serve on the committee until the appointments are made in the first regular session of the following general assembly, unless they cease to be members of the general assembly.

The committee, subject to the oversight and direction of the legislative service commission, shall direct the work of the director and staff of the committee.

Sec. 103.86. The long-term care inspection committee, by a vote of at least five members, shall select from its membership a chairperson, vice-chairperson, and secretary. The members of the committee shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the discharge of their official duties.

Sec. 103.87. (A)(1) Subject to division (A)(2) of this

section, the long-term care inspection committee shall establish and maintain a continuing program of inspection of each long-term care facility in this state. The committee shall conduct an inspection of each long-term care facility each biennium. The inspection shall include attendance at one general meal period and one social activity program.

(2) All of the following apply with respect to an inspection of a long-term care facility under division (A)(1) of this section:

(a) The inspection shall not be conducted unless the chairperson of the committee grants prior approval for the inspection.

(b) The inspection shall be conducted by at least one staff member of the committee and may include one or more of the members appointed to the committee.

(c) The inspectors shall be given access to the facility or any part of the facility. The inspectors are not required to give advance notice of, or to make prior arrangements before conducting, the inspection.

(d) Unless the chairperson of the committee determines that the inspection must be conducted outside of normal business hours for any reason, including emergency circumstances or a justifiable cause that perpetuates the mission of the committee, and the chairperson specifies in the grant of prior approval for the inspection that the chairperson has so determined, the inspection shall be conducted only during normal business hours. If the chairperson determines that the inspection must be conducted outside of normal business hours and the chairperson specifies in the grant of prior approval for the inspection that

the chairperson has so determined, the inspection may be conducted outside of normal business hours.

(B) The committee shall evaluate and assist in the development of programs to improve the condition or operation of long-term care facilities.

(C) The committee shall 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 long-term care facilities in the state. The report shall contain a separate evaluation of the resident grievance procedure at each long-term care facility. The committee shall submit the report to the succeeding general assembly within fifteen days after commencement of that general assembly's first regular session.

Sec. 103.88. The long-term care inspection committee may employ a director and any other nonlegal staff, who shall be in the unclassified service of the state, that are necessary for the committee to carry out its duties and may contract for the services of whatever nonlegal technical advisors are necessary for the committee to carry out its duties. The attorney general shall act as legal counsel to the committee.

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

service commission.

The general assembly shall biennially appropriate to the long-term care inspection committee an amount sufficient to enable the committee to perform its duties. Salaries and expenses incurred by the committee shall be paid from that appropriation upon vouchers approved by the chairperson of the committee.