



Alan Van Dyne

*Bill Analysis*  
*Legislative Service Commission*

**Am. H.B. 267**  
127th General Assembly  
(As Passed by the House)

**Reps. Huffman, Evans, Chandler, Seitz, R. McGregor, Uecker, Dyer, Batchelder, Blessing, Bolon, Book, Boyd, Combs, Domenick, Fende, Flowers, Gibbs, R. Hagan, Hite, Letson, Mallory, J. Otterman, Sears, D. Stewart, Webster, White, Yates**

---

**BILL SUMMARY**

- Expands the Correctional Institution Inspection Committee (CIIC) from 8 to 12 members.
- Modifies the procedures used by CIIC in inspecting correctional institutions and facilities by (1) requiring inspections to be conducted by CIIC staff, (2) authorizing, rather than requiring, the attendance of CIIC members, and (3) removing procedures for conducting inspections through CIIC subcommittees.
- Provides for the confidentiality of any record, report, or other information provided to CIIC or its staff and all work products of CIIC and its staff.
- Permits the Department of Rehabilitation and Correction to establish an educational loan repayment program for the recruitment of nurses or dentists.

---

**CONTENT AND OPERATION**

**Correctional Institution Inspection Committee**

**Background**

(R.C. 103.71 to 103.79)

The Correctional Institution Inspection Committee (CIIC) consists of eight members of the General Assembly, four from the Senate and four from the House of Representatives. Of the four members from either chamber, not more than two

may represent the same political party. Appointments are to be made biennially within 15 days after the first regular session of the General Assembly.

CIIC is required to maintain an inspection program for correctional institutions and facilities. Each state correctional institution and private correctional facility must be inspected every two years. Local correctional institutions and youth services facilities may be inspected. CIIC is not required to make prior arrangements for or to give notice of its inspections.

Biennially, CIIC must prepare a report and submit it to the General Assembly. The report must describe the following: (1) findings made in CIIC's inspections, (2) any programs that have been proposed or developed to improve the condition or operation of correctional institutions or facilities, and (3) in the case of state correctional institutions, an evaluation of the inmate grievance procedure at each institution.

### **Membership**

(R.C. 103.71 and 103.72; Section 3)

The bill adds four members to CIIC, thus increasing its membership from 8 to 12. As a result, CIIC is to consist of the following: (1) six members of the Senate, appointed by the Senate President, with not more than three from the same political party, and (2) six members of the House of Representatives, appointed by the Speaker, with not more than three from the same political party. Notwithstanding the existing requirement that appointments be made within 15 days after the commencement of the first regular session of the General Assembly, the bill provides for the four new members to be appointed as soon as practicable after the bill's effective date.

To correspond with the increased membership of CIIC, the bill adjusts the number of votes necessary to select CIIC's chairperson, vice-chairperson, and secretary. The bill specifies that notwithstanding the minimum number of votes necessary to select these officers, the bill's increase in the number of necessary votes does not affect the positions held by officers selected before the four additional members are appointed.<sup>1</sup>

### **Inspections**

(R.C. 103.73 and 103.74)

Under current law, the chairperson of the CIIC must grant prior approval for the inspection of a correctional institution or facility. In granting the approval,

---

<sup>1</sup> An amendment is necessary to include a reference to the selection of CIIC's secretary.

the CIIC chairperson must specify whether the inspection is to be conducted by (1) a subcommittee consisting of at least two CIIC members or (2) a means other than a subcommittee. When a subcommittee is used, at least two CIIC members must be present at the inspection; no staff member may be present unless specifically authorized by the CIIC chairperson. When a means other than a subcommittee is used, at least one CIIC member and one staff member must be present at the inspection.

The bill provides for inspections to be conducted by at least one CIIC staff member and authorizes the inclusion of one or more CIIC members. To correspond with this inspection procedure, the bill eliminates provisions of existing law that require the presence of CIIC members at inspections and permit the appointment of subcommittees to conduct inspections.

**Confidential records**

(R.C. 103.80)

The bill provides that any record, report, or other information provided to CIIC or its staff members and all work products of CIIC and its staff members, other than specified reports required to be submitted to the General Assembly, are confidential. CIIC and its staff members must use the records, reports, or other information and the work products only in the exercise of the proper functions of CIIC.

**DRC recruitment program for nurses or dentists**

(R.C. 5120.55)

Current law authorizes the Department of Rehabilitation and Correction (DRC) to establish a physician recruitment program by repaying all or part of a physician's government or other educational loans in return for providing services to inmates of correctional institutions. According to DRC personnel, a program for recruitment of physicians has not been implemented.

The bill expands DRC's authority to establish a loan repayment program for recruitment of health professionals by extending the program to registered nurses,<sup>2</sup> licensed practical nurses, dentists, or any combination of such professionals.

---

<sup>2</sup> The bill specifies that the term "registered nurse" includes the following advanced practice nurses: clinical nurse specialists, certified nurse midwives, and certified nurse practitioners.

### **Eligibility**

For a nurse to be eligible to participate in the program, the bill requires the nurse to have attended a school that was, during the time of attendance, either (1) a U.S. nursing school accredited by the Commission of Collegiate Nursing Education or the National League for Nursing Accrediting Commission or (2) a foreign nursing school that was acknowledged by the World Health Organization and verified by a member state of that Organization as operating within that state's jurisdiction.

For a dentist to be eligible to participate in the program, the dentist must have attended a school that was, during the time of attendance, either (1) a dental college accredited by the Commission on Dental Accreditation or that has educational standards recognized by the Commission and is approved by the State Dental Board or (2) a foreign dental school that meets the Board's standards for providing graduates with a level of education and training equal to that provided by an accredited dental college in the U.S.

To be eligible to participate, a nurse or dentist must hold a current, valid license to practice in Ohio.

### **Contract terms**

As under current law with respect to the recruitment of physicians, the bill requires DRC to enter into contracts with the nurses or dentists it recruits through the loan repayment program. Under the bill, the contract between DRC and the nurse or dentist must include at least the following terms:

(1) The nurse agrees to provide a specified scope of nursing services, or the dentist agrees to provide a specified scope of dental services, to inmates of one or more specified state correctional institutions for a specified number of hours per week for a specified period of years.

(2) DRC agrees to repay all or a portion of the principal and interest of an educational loan for specified expenses to attend, for a maximum of four years, a school that qualifies the nurse or the dentist to participate in the program.<sup>3</sup>

(3) The nurse or the dentist agrees to pay DRC a specified amount, which must be no less than the amount already paid by DRC pursuant to its agreement, as damages if the nurse or dentist fails to complete the agreed upon service or

---

<sup>3</sup> These expenses are: tuition; other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined reasonable in accordance with DRC rules; and room and board in an amount determined reasonable in accordance with DRC rules.

contract terms. The contract may vary the amount of damages based on the portion of the uncompleted service obligation.

(4) Other terms agreed to by the parties.

The lending institution of the nurse or dentist or the Ohio Board of Regents may be a party to the contract. The contract may include an assignment to DRC of the duty of the nurse or dentist to repay the principal and interest of the loan.

### **Rules**

The bill extends DRC's rulemaking requirements regarding the recruitment of physicians to its recruitment of nurses or dentists, or any combination of those health professionals. Thus, if DRC chooses to establish such a recruitment program, it must adopt implementing rules under the Administrative Procedure Act (R.C. Chapter 119.) that establish all of the following:

(1) Criteria for designating institutions for which the health professionals will be recruited;

(2) Criteria for selecting the health professionals for participation in the program;

(3) Criteria for determining the portion of a loan which the DRC will agree to repay;

(4) Criteria for determining reasonable amounts of educational expenses, other than tuition, and expenses for room and board to be repaid;

(5) Procedures for monitoring compliance by *a nurse or a dentist*, with the terms of their contracts;

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

---

## **HISTORY**

ACTION	DATE
Introduced	06-14-07
Reported, H. Criminal Justice	05-28-08
Passed House (94-0)	11-18-08

h0267-ph-127.doc/kl

