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Bill Analysis
Legislative Service Commission

Am. H.B. 267
127th General Assembly
(As Reported by H. Criminal Justice)

Reps. Huffman, Evans, Chandler, Seitz, R. McGregor, Uecker, Dyer

BILL SUMMARY

- Expands the composition of the Correctional Institution Inspection Committee (CIIC) to include four additional members.
- Modifies the persons who must attend inspections of correctional institutions.
- Provides that generally any record, report, or other information provided to the CIIC or its staff members and all work products of the CIIC and its staff members is confidential.
- Permits the Department of Rehabilitation and Correction to establish an educational loan repayment program for the recruitment of nurses or dentists in the same way as it currently may establish such a program for physicians.

CONTENT AND OPERATION

Correctional Institution Inspection Committee

Composition of the Committee

The bill adds four additional members to the Correctional Institution Inspection Committee (CIIC) so that the CIIC must consist of 12 persons, six members of whom must be members of the Senate appointed by the Senate President, not more than three of whom may be members of the same political party. The other six members must be members of the House of Representatives, appointed by the Speaker, not more than three of whom may be members of the same political party. Currently, the CIIC is comprised of eight members: four members of the Senate (no more than two from the same political party) and four members of the House (no more than two from the same political party). (R.C. 103.71.)

Under continuing law, members of the CIIC are to be appointed within 15 days after the commencement of the first regular session of the General Assembly. However, the bill provides that notwithstanding this provision, the four new members are to be appointed as soon as practicable after the bill's effective date. (Section 3.)

Under continuing law, partially amended by the bill, the members of the CIIC by a vote of at least seven members (increased from five under current law) are to select from its membership a chairperson, vice-chairperson, and secretary. The bill specifies that notwithstanding the minimum number of votes necessary to select the Committee's chairperson and vice-chairperson (the bill omits a reference to the secretary), the increase in the number of votes necessary to select those officers does not affect the positions held by officers selected before the CIIC's four additional members are appointed pursuant to the bill. (R.C. 103.72 and Section 3.)

Inspections by the CIIC

Under continuing law, the chairperson of the CIIC must grant prior approval for the inspection of a correctional institution. However, under current law, largely repealed by the bill, the chairperson may appoint subcommittees, consisting of at least two members, for the purpose of conducting these inspections. Current law also provides that an inspection may not be conducted unless either the inspection is conducted by a subcommittee and at least two members appointed to the CIIC are present for the inspection or, if no subcommittee is selected, at least one member appointed to the CIIC and at least one staff member of the CIIC is present for the inspection. If a subcommittee conducts the inspection, current law prohibits a staff member from being present at the inspection unless the chairperson's grant of prior approval specifically authorizes the presence of staff members. However, if the inspection is conducted by means other than a subcommittee, staff members may be present regardless of whether the grant of prior approval specifically authorized their presence.

The bill repeals the provisions pertaining to the appointment of subcommittees, repeals the provisions requiring an appointed CIIC member to be present at inspections, and repeals the provisions regarding whether a CIIC staff member may attend an inspection as provided in the chairperson's grant of prior approval. Thus, under the bill, the chairperson of the CIIC must still give prior approval before an inspection of a correctional institution. However, the bill provides that the inspection must be conducted by at least one staff member of the CIIC and may include one or more appointed members of the CIIC. (R.C. 103.73(C) and 103.74.)

Confidential records

The bill provides that any record, report, or other information provided to the CIIC or its staff members and all work products of the CIIC and its staff members, other than specified reports required to be submitted to the General Assembly, are confidential. The 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 the CIIC. (R.C. 103.80.)

DRC recruitment program for nurses or dentists

The bill permits the Department of Rehabilitation and Correction (DRC) to establish a recruitment program under which DRC, by contract, agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a nurse or dentist who agrees to provide services to inmates of DRC correctional institutions.¹ For a nurse to be eligible to participate in the program, the nurse must have attended a school that was, during the time of attendance, either a U.S. nursing school accredited by the Commission of Collegiate Nursing Education or the national League for Nursing Accreditation Commission or 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, a dental college that enabled the dentist to meet the requirements specified in R.C. 4715.10 to be granted a license to practice dentistry. (R.C. 5120.55(B).)

The contract entered into between DRC and the nurse or between DRC and the dentist must include at least the following terms (R.C. 5120.55(C)):

(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.

¹ "Nurse" includes both registered nurses (includes clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners) and licensed practical nurses (R.C. 5120.55(A)(2), (3), and (5)).

"Dentist" means a dentist licensed under Ohio law (R.C. 5120.55(A)(1)).

(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.²

(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 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.

If DRC chooses to establish such a recruitment program, it must adopt implementing rules under the Administrative Procedure Act that establish all of the following criteria: (a) criteria for designating institutions for which physicians, *nurses, or dentists or any combination thereof*, will be recruited, (b) criteria for selecting physicians, *nurses, dentists, or any combination thereof*, for participation in the program, (c) criteria for determining the portion of a loan which the DRC will agree to repay, (d) criteria for determining reasonable amounts of the educational expenses, other than tuition, and the expenses for room and board, (e) procedures for monitoring compliance by *a nurse or a dentist*, with the terms of *the contract into which the individual enters*, and (f) any other criteria or procedures necessary to implement the program (new language is in italics) (R.C. 5120.55(D)).

This program authorization is substantively the same as current law's authorization for DRC to enter into a recruitment program for physicians. (R.C. 5120.55.)

² 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.

HISTORY

ACTION	DATE
Introduced	06-14-07
Reported, H. Criminal Justice	05-28-08

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