
DEPARTMENT OF DEVELOPMENTAL DISABILITIES (DDD)

- Increases to 22 (from 21) the age at which an individual ceases to qualify for programs established by the Director of the Ohio Department of Developmental Disabilities (ODODD) for individuals with intensive behavioral needs.
- Specifies additional purposes for which the ODODD Director may use ODODD's funds and requires money in the Community Developmental Disabilities Trust Fund to be used for those purposes.
- Permits the Director to establish priorities for using funds appropriated to ODODD.
- Repeals a provision that required funds appropriated for purposes of fulfilling the state's obligations under the consent order filed in *Martin v. Strickland*, which required the state to make a good faith effort to expand home and community-based services for persons with disabilities, to be in an appropriation item that authorizes expenditures only for purposes of fulfilling those obligations.
- Authorizes the ODODD Director to establish an Interagency Workgroup on Autism.
- Eliminates obsolete laws governing ODODD's former Purchase of Service Program for residential services.
- Permits ODODD to enter into a contract with a person or government agency to provide residential services to individuals with mental retardation or developmental disabilities in need of residential services.
- Permits the ODODD Director to authorize, in fiscal years 2012 and 2013, innovative pilot projects that are likely to assist in promoting the objectives of state law governing ODODD and county boards of developmental disabilities (county DD boards).
- Repeals an obsolete law that permitted, under certain circumstances, a residential facility for persons with mental retardation and developmental disabilities to obtain a license without providing ODODD a copy of a development plan for the proposed residential facility that had been approved by a county DD board.
- Repeals a provision that required ODODD to provide or arrange for the provision of residential services for (1) former residents of institutions under ODODD's jurisdiction who ceased to be residents because of an institution's closure or significant reduction in occupancy, and (2) an equal number of individuals, from



each county represented by the former residents, who need residential services but are not receiving them.

- Permits a developmental center to provide services to persons with mental retardation and developmental disabilities living in the community or to providers of services to these persons.
- Revises the conditions under which personnel of a residential facility with 17 or more resident beds may perform certain medical tasks for residents with mental retardation and developmental disabilities when the residents are on a field trip.
- Reduces to eight (from ten) the number of times a county DD board that shares a superintendent or other administrative staff with one or more other county DD boards is to meet each year following its annual organizational meeting.
- Revises the law governing waiting lists for county DD board services by establishing requirements that apply separately to waiting lists for (1) non-Medicaid services and (2) home and community-based services provided under ODODD-administered Medicaid waiver programs.
- Reduces the annual fee that a county DD board pays regarding home and community-based services provided under an ODODD-administered Medicaid waiver program from 1.5% to 1.25% of the total value of all Medicaid-paid claims for the services provided during the year to an individual eligible for services from the board.
- Requires a county DD board to ensure that at least a certain number of individuals are enrolled in *any* of ODODD's Medicaid waiver programs, rather than *each* of the waiver programs.
- Eliminates a requirement that the ODODD Director's rules regarding programs and services that county DD boards offer include standards for providing (1) environmental modifications and (2) specialized medical, adaptive, and assistive equipment, supplies, and supports.
- Eliminates a requirement that county DD boards annually certify to the ODODD Director the average daily membership in various programs and the number of children enrolled in approved preschool units.
- Eliminates a requirement that the ODODD Director adopt rules establishing a formula for the distribution of Family Support Services funds to county DD boards of developmental disabilities and instead provides, for fiscal years 2012 and 2013, that the Director is to consult with county DD boards to establish the formula.



- Provides that, in fiscal years 2012 and 2013, the ODODD Director may provide funds to county DD boards for the purpose of addressing economic hardships and to promote efficiency of operations.
- Prescribes new formulas for allocating among county DD boards tax equity payments, which under the new formulas are to be used to pay the nonfederal share of Medicaid expenditures for home and community-based services and care management.
- Requires the ODODD Director to establish a methodology to be used in fiscal years 2012 and 2013 to estimate the quarterly amount each county DD board is to pay of the nonfederal share of the Medicaid expenditures for which the board is responsible.
- Authorizes the ODODD Director to withhold amounts from a county DD board that fails to pay fully any amount owed to ODODD by the time it is due.
- Authorizes the Ohio Developmental Disabilities Council to establish a two-year pilot program to allow Council members to remotely attend meetings by teleconference or video conference.

Age limit for intensive behavioral needs programs

(R.C. 5123.0417)

The act expands eligibility for programs established by the Director of the Ohio Department of Developmental Disabilities (ODODD) for individuals with intensive behavioral needs by increasing to 22 (from 21) the age at which an individual ceases to qualify for such programs. The ODODD Director must establish one or more programs for such individuals. Continuing law permits the programs to do any of the following:

(1) Establish models that incorporate elements common to effective intervention programs and evidence-based practices in services for children with intensive behavioral needs;

(2) Design a template for individualized education plans and individual service plans that provide consistent intervention programs and evidence-based practices for the care and treatment of children with intensive behavioral needs;

(3) Disseminate best practice guidelines for use by families of children with intensive behavioral needs and professionals working with such families;



(4) Develop a transition planning model for effectively mainstreaming school-age children with intensive behavioral needs to their public school district;

(5) Contribute to the field of early and effective identification and intervention programs for children with intensive behavioral needs by providing financial support for scholarly research and publication of clinical findings.

Additional purposes for using ODODD funds

(R.C. 5123.0418, 5123.352, and 5126.19 (repealed))

The act repeals a provision that specified the reasons for which the ODODD Director was permitted to grant temporary funding from the Community Developmental Disabilities Trust Fund. Instead, the act generally permits the Director to use funds appropriated to ODODD for certain purposes, some of which applied to the Community Developmental Disabilities Trust Fund. The purposes expressly specified in the act are in addition to other purposes for which funds are appropriated to ODODD. The act specifies the following purposes:

(1) The following to assist persons with mental retardation and developmental disabilities remain in the community and avoid institutionalization: (a) behavioral and short-term interventions, (b) residential services, and (c) supported living;

(2) Respite care services;

(3) Staff training to help the following personnel serve persons with mental retardation and developmental disabilities in the community: (a) employees of, and personnel under contract with, county boards of developmental disabilities (county DD boards), (b) employees of providers of supported living, (c) employees of providers of residential services, and (d) other personnel the Director identifies.

The act permits the Director to establish priorities for using funds for these purposes, but requires that the funds be used in a manner consistent with the appropriations that authorize the Director to use the funds and all other state and federal laws governing the use of the funds.

Separate appropriation item regarding *Martin v. Strickland*

(R.C. 126.04 (repealed))

The act repeals a provision, enacted by the main appropriations act of the 127th General Assembly (Am. Sub. H.B. 119), that required funds appropriated for purposes of fulfilling the state's obligations under the consent order filed in *Martin v. Strickland* to be in an appropriation item that authorizes expenditures only for purposes of fulfilling



those obligations. The *Martin v. Strickland* case was brought by persons seeking to give individuals with mental retardation or developmental disabilities the ability to choose community-based, integrated residential services over placement in institutional care, such as a nursing facility.³⁹

Interagency workgroup on autism

(R.C. 5123.0419 (primary) and 3323.31)

The act permits the ODODD Director to establish an interagency workgroup on autism for the purpose of improving the coordination of Ohio's efforts to address the service needs of individuals with autism spectrum disorders and the families of those individuals. The Director is permitted to enter into interagency agreements that specify any of the following:

- (1) The roles and responsibilities of government entities that enter into the agreements;
- (2) Procedures regarding the receipt, transfer, and expenditure of funds necessary to achieve the goals of the workgroup;
- (3) The projects to be undertaken and activities to be performed by the government entities that enter into the agreements.

Money received from the participating government entities must be deposited in the Interagency Workgroup on Autism Fund, which the act creates. Money in the fund must be used by ODODD solely to support the workgroup's activities.

Purchase of Service Program

(R.C. 5123.18 (primary), 3721.01, 5123.01, 5123.051, 5123.171, 5123.172, 5123.191, 5123.194, and 5126.04; R.C. 5123.181 (repealed))

The act eliminates the laws governing the Purchase of Service Program that is no longer administered by ODODD. Those laws specified the procedures that were to be used in entering into contracts with various types of providers who offered residential services to individuals with mental retardation and developmental disabilities.

³⁹ The settlement in *Martin v. Strickland* included a requirement that ODODD and the Ohio Department of Job and Family Services request funding for an additional 1,500 slots for the Individual Options Medicaid waiver program in the state budget for fiscal years 2008 and 2009. Another requirement was for ODODD to conduct surveys of residents of state-run developmental centers and private and county-owned intermediate care facilities for the mentally retarded to determine which residents preferred home and community-based services, if available.

ODODD's residential services contracts

(R.C. 5123.18)

The act permits ODODD to enter into a contract with a person or government agency to provide residential services to individuals with mental retardation or developmental disabilities in need of residential services. The act specifies that to be eligible to enter into a contract with ODODD, a person or government entity and the home in which the residential services are provided must meet all applicable standards for licensing or certification by the appropriate government entity.

ODODD innovative pilot projects

(Section 263.20.80)

The act permits the ODODD Director to authorize innovative pilot projects that are likely to assist in promoting the objectives of state law governing ODODD and county DD boards. This authority exists only for fiscal years 2012 and 2013.

The act permits a pilot project to be implemented in a manner inconsistent with the laws or rules governing ODODD and county DD boards; however, the act prohibits the Director from authorizing a pilot project to be implemented in a manner that would cause Ohio to be out of compliance with any requirements for a program funded in whole or in part with federal funds. Before authorizing a pilot project, the ODODD Director must consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, and ARC of Ohio.

Obsolete residential facility licensure law

(R.C. 5123.193 (repealed), 5111.21, 5111.211, 5123.19, and 5123.45)

The act repeals an obsolete law enacted by Am. Sub. H.B. 1 of the 128th General Assembly that permitted certain residential facilities for persons with mental retardation and developmental disabilities to obtain a license without providing ODODD a copy of a development plan for the proposed residential facility that had been approved by a county board of developmental disabilities. The law became obsolete because the deadline for submitting the license application occurred in February 2010.



Residential services for former institution residents and unserved individuals

(R.C. 5123.211 (repealed))

The act repeals a provision that required ODODD to provide or arrange for the provision of residential services⁴⁰ for both of the following:

(1) Former residents of institutions under ODODD's jurisdiction who ceased to be residents because of (a) the institution's closure, or (b) the institution's population being reduced 40% or more in a period of one year.

(2) An equal number of individuals, from each county represented by the former residents, who need residential services but are not receiving them.

Developmental center services

(Section 263.20.30)

The act permits an ODODD-operated residential center for persons with mental retardation and developmental disabilities (i.e., a developmental center) to provide services to persons with mental retardation and developmental disabilities living in the community or to providers of services to these persons. ODODD is permitted to develop a method for recovery of all costs associated with the provision of the services.

Rate increase for serving former developmental center residents

(Section 263.20.70)

Subject to approval by the U.S. Centers for Medicare and Medicaid Services, the Ohio Department of Job and Family Services is required by the act to increase the rate paid to a provider under the Individual Options Waiver by 52¢ for each 15 minutes of routine homemaker/personal care provided to an individual for up to a year if all of the following apply:

--The individual was a resident of a developmental center immediately prior to enrollment in the waiver;

--The provider begins serving the individual on or after July 1, 2011;

⁴⁰ "Residential services" are services necessary for an individual with mental retardation or a developmental disability to live in the community, including room and board, clothing, transportation, personal care, habilitation, supervision, and any other services ODODD considers necessary for the individual to live in the community (R.C. 5123.18(A)(3)).

--The ODODD Director determines that the increased rate is warranted by the individual's special circumstances, including the individual's diagnosis, service needs, or length of stay at the developmental center, and that serving the individual through the Individual Options Waiver is fiscally prudent for the Medicaid program.

Medical tasks during field trips from residential facilities

(R.C. 5123.42)

The act revises the law governing when employees and contract workers who provide specialized services to individuals with mental retardation and developmental disabilities (MR/DD personnel) may perform certain medical tasks for residents of a residential facility with 17 or more residents who are on a field trip. The MR/DD personnel may do the following with nursing delegation: perform health-related activities, administer oral and topical prescribed medications, administer prescribed medications through gastrostomy and jejunostomy tubes that are stable and labeled, and perform routine tube feedings using gastrostomy and jejunostomy tubes that are stable and labeled.

The MR/DD personnel may perform the medical tasks while on the field trip when certain conditions are met, including both of the following:

(1) Not more than a certain number of field trip participants are residents who have health needs requiring the administration of prescribed medications (excluding participants who self-administer prescribed medications or receive assistance with self-administration of prescribed medications).

(2) The residential facility staffs the field trip with MR/DD personnel in such a manner that one person will administer prescribed medications, perform health-related activities, or perform tube feedings for not more than a certain number of participants if at least one of those participants has health needs requiring the person to administer prescribed medications through a gastrostomy or jejunostomy tube.

The act revises the first of these conditions by increasing to ten (from five) the number of field trip participants who may have health needs requiring the administration of prescribed medications. The act revises the second of these conditions by increasing to four (from two) the number of participants for whom one person may perform the medical tasks.

County DD board meetings

(R.C. 5126.029)

The act reduces to eight (from ten) the number of times a county DD board that shares a superintendent or other administrative staff with one or more other county DD boards is to meet each year following its annual organizational meeting.

County DD boards' waiting lists

(R.C. 5126.042 (primary), 5111.872, 5126.054, 5126.08, and 5126.41)

The act revises the law governing waiting lists that county DD boards establish for their services. The requirements that applied under prior law are generally eliminated. In place of those requirements, the act establishes requirements for waiting lists that apply separately to (1) non-Medicaid services and (2) home and community-based services provided under ODODD-administered Medicaid waiver programs.

Non-Medicaid services

Under the act, a waiting list for non-Medicaid services is to be established in accordance with the plan each county DD board must develop regarding the facilities, programs, and other services the board makes available with its available resources. A board may establish priorities for placing individuals on the waiting list. The priorities must be consistent with the board's plan and applicable law. One or more waiting lists for non-Medicaid services may be established.

Home and community-based services under Medicaid waivers

The act establishes more requirements regarding waiting lists for home and community-based services provided under ODODD-administered Medicaid waiver programs than it does for waiting lists for non-Medicaid services. The act requires ODODD to adopt rules governing waiting lists for such home and community-based services, but it does not require rules to be adopted for waiting lists for non-Medicaid services.

The act includes provisions regarding the order in which individuals on a waiting list for home and community-based services are to receive the services. An individual's date of placement on the waiting list is to be the date a request is made to the county DD board for the services. A board must provide for an individual who has an emergency status to receive priority status on the waiting list. The act's definition of "emergency status" is generally the same as prior law's definition of "emergency." An individual with mental retardation or developmental disabilities has an emergency status when the individual is at risk of substantial self-harm or substantial harm to



others if action is not taken within 30 days. A board also must provide for an individual to receive, in accordance with ODODD's rules, priority status if (1) the individual is receiving supported living, family support services, or adult services for which no federal financial participation is received under the Medicaid program, (2) the individual's primary caregiver is at least 60 years of age, or (3) the individual has intensive needs as determined in accordance with ODODD's rules. If two or more individuals on the waiting list have priority for these reasons, a board must use criteria specified in ODODD's rules in determining the order in which the individuals will be offered the services. However, an individual who has priority because the individual has an emergency status is to have priority over all other individuals on the waiting list who do not have emergency status.

The act maintains law that provides that requirements applicable to the Medicaid program override provisions regarding waiting lists.

County DD board fees for home and community-based services

(R.C. 5123.0412)

The act reduces the amount of the fee that county DD boards must pay regarding home and community-based services provided under a Medicaid waiver that ODODD administers. Under prior law, a county DD board had to pay an annual fee equal to 1.5% of the total value of all Medicaid paid claims for such home and community-based services provided during the year to an individual eligible for services from the board. Under the act, the annual fee is 1.25% of the total value of such claims.

County DD boards' enrollment responsibilities for Medicaid waivers

(R.C. 5126.0512 (primary), 5123.0413, and 5126.0510)

The act modifies county DD boards' responsibilities regarding enrollment of individuals in Medicaid waiver programs that ODODD administers. Under prior law and except as provided in ODODD's rules, each county DD board was required to ensure, for each Medicaid waiver program ODODD administers, that the number of individuals eligible for services from the board who were enrolled in an ODODD Medicaid waiver program was no less than the sum of (1) the number of individuals eligible for services from the board who were enrolled in the program on June 30, 2007, and (2) the number of slots for ODODD Medicaid waiver programs the board requested before July 1, 2007, that were assigned to the board before that date but in which no individual was enrolled before that date. Under the act, a county DD board must ensure that at least that number of individuals are enrolled in *any* of ODODD's Medicaid waiver programs, rather than *each* of the programs.

Elimination of rule-making requirements

(R.C. 5126.08)

The act eliminates a requirement that the ODODD Director's rules regarding programs and services that county DD boards offer include standards for providing (1) environmental modifications and (2) specialized medical, adaptive, and assistive equipment, supplies, and supports.

County DD boards' average daily membership reports

(R.C. 5126.12 (primary), 3323.09, and 5126.05)

The act eliminates a requirement that county DD boards annually certify to the ODODD Director (1) the average daily membership in various programs and (2) the number of children enrolled in approved preschool units. The act retains a requirement that the boards certify to the Director all of the boards' income and operating expenditures for the immediately preceding calendar year and provide the expenditures in an itemized report prepared and submitted in the format specified by ODODD.

Formula for distributing Family Support Services funds

(R.C. 5126.11 (primary) and 5126.0511; Section 263.10.30)

Under continuing law's Family Support Services Program, payments are made to an individual with mental retardation or other developmental disability, or the family of the individual, for the purpose of supporting the individual in the family home rather than in an institutionalized setting.

The act eliminates prior law's requirement that the ODODD Director adopt rules establishing a formula for the distribution of Family Support Services funds to county DD boards. In place of the rulemaking procedures for establishing a distribution formula, the act provides that, for fiscal years 2012 and 2013, the ODODD Director is to develop the formula in consultation with the county DD boards.

Funds for economic hardship and operation efficiency

(Sections 263.10.30, 263.10.40, and 263.60)

The act permits the ODODD Director to distribute the funds to county DD boards for the purpose of addressing economic hardships and to promote efficiency of operations. The Director is to consult with the boards to determine the amount of funds used for these purposes and criteria for distribution. The funds may be distributed



from amounts available for the following: (1) the Family Support Services Program, (2) state subsidies to county DD boards,⁴¹ and (3) tax equity payments to the boards.

Tax equity payments

(R.C. 5126.18)

Overview

The act prescribes new formulas for allocating among county DD boards tax equity payments. The formula specified in prior law had not been used for at least the last two biennia.⁴²

The first new formula is one that is to apply under most circumstances. The other two formulas are ones that are to apply only when certain conditions exist. Therefore, they are the exceptions to the general formula.

Use of payments

Generally, the act restricts county DD board to using tax equity payments solely to pay the nonfederal share of Medicaid expenditures it was required to pay under prior law for (1) home and community-based services and (2) case management services. The act prohibits tax equity payments from being used to pay any salary or other compensation to county board personnel. On the written request of a county DD board, the ODODD Director may authorize the board to use tax equity payments for infrastructure improvements necessary to support Medicaid waiver administration.

Eligibility for payments

The act requires that beginning on or before May 31, 2011,⁴³ and on or before May 31 of every second year thereafter, the ODODD Director must determine whether a county is eligible to receive tax equity payments for the ensuing two fiscal years. In determining eligibility, the Director must do both of the following:

⁴¹ Addressing economic hardship and promoting efficiency is one of three purposes for which the appropriation for county DD board subsidies must be used. The other uses are to provide (1) subsidies to the boards for early childhood and adult services, service and support administration, and supported living and (2) funding, as determined necessary by the ODODD Director, for residential services and support service programs that enable persons to live in the community. (Section 263.10.40.)

⁴² See Section 337.30.70 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 337.30.43 of Am. Sub. H.B. 119 of the 127th General Assembly.

⁴³ The act took effect after this deadline had passed.



(1) Determine the six-month moving average,⁴⁴ population,⁴⁵ and yield per person⁴⁶ of each county in Ohio, based on the most recent information available;

(2) Calculate a tax equity funding threshold by adding the population of the county with the lowest yield per person and the populations of the individual counties in order from lowest yield per person to highest yield per person until the addition of the population of another county would increase the aggregate sum to over 30% of the total state population.

A county is eligible to receive tax equity payments for the two-year period if its population is included in the calculation of the threshold and the addition of its population does not increase such sum to over 30% of the total state population.

Certification of the taxable value of property

At the request of the ODODD Director, the act requires the Tax Commissioner or to certify to the Director the taxable value of property on each county's most recent tax list of real and public utility property. The Director may request any other tax information necessary for the purposes of implementing the law governing the allocation of tax equity payments.

General formula for allocating payments

Except when certain conditions exist, beginning in fiscal year 2012 and each fiscal year thereafter, the ODODD Director must make tax equity payments to each eligible county according to a general formula for determining the allocation of such payments. Under the general formula, the Director must make payments to an eligible county in an amount equal to the population of the county multiplied by the difference between the yield per person of the threshold county and the yield per person of the eligible county. For purposes of this formula, the population and yield per person of a county are equal to the population and yield per person most recently determined for that county.

The payments must be made in quarterly installments of equal amounts not later than September 30, December 31, March 31, and June 30 of each fiscal year.

⁴⁴ "Six-year moving average" means the average of the per-mill yields of a county for the most recent six years (R.C. 5126.18(A)(4)).

⁴⁵ "Population" of a county means that shown by the federal census for a census year or, for a noncensus year, the population as estimated by the Department of Development (R.C. 5126.18(A)(3)).

⁴⁶ "Yield per person" means the quotient obtained by dividing the six-year moving average of a county by the population of that county (R.C. 5126.18(A)(5)).



Exceptions to the general formula

First alternative formula – \$20,000 range

The general formula for determining tax equity payments does not apply for fiscal years 2012 through 2014 if, in fiscal year 2012, the amount determined pursuant to the general formula is at least \$20,000 greater, or \$20,000 less, than the amount of tax equity payments the county received in fiscal year 2011. Instead, the county's tax equity payments for fiscal year 2012 through 2014 equal the following:

- For fiscal year 2012, one-fourth of the amount calculated for the eligible county under the general formula plus three-fourths of the amount of tax equity payments the county received in fiscal year 2011.
- For fiscal year 2013, one-half of the amount calculated for the eligible county under the general formula plus one-half of the amount of tax equity payments the county received in fiscal year 2011.
- For fiscal year 2014, three-fourths of the amount calculated for the eligible county under the general formula plus one-fourth of the amount of tax equity payments the county received in fiscal year 2011.

Second alternative formula – tax equity payments are greater than amount appropriated to ODODD

The general formula or the first alternative formula for determining tax equity payments does not fully apply in any fiscal year if the total amount of tax equity payments for all eligible counties is greater than the amount appropriated to ODODD for the purpose of making such payments in that fiscal year. Instead, the act requires the ODODD Director to reduce the payments to each eligible county DD board in equal proportion. If the total amount of tax equity payments as determined under the general formula or first alternative formula is less than the amount appropriated to ODODD for that purpose, the Director must determine how to allocate the excess money after consultation with the Ohio Association of County Boards Serving People with Developmental Disabilities.

No payments to regional councils

The act restricts the payment of tax equity payments to eligible county DD boards. No regional council or other entity is to receive such payments.



Audits

The act authorizes the ODODD Director to audit any county DD board receiving tax equity payments to ensure appropriate use of the payments. If the Director determines that a board is using payments inappropriately, the Director must notify the board in writing of the determination. Within 30 days after receiving the Director's notification, the board must submit a written plan of correction to the Director. The Director may accept or reject the plan.

If the Director rejects the plan, the Director is authorized to require the board to repay all or a portion of the amount of tax equity payments used inappropriately. The Director is required to distribute any tax equity payments returned to other eligible county DD boards in accordance with a plan developed by the Director after consultation with the Ohio Association of County Boards Serving People with Development Disabilities.

County DD board share of nonfederal Medicaid expenditures

(Section 263.10.50)

The act requires the ODODD Director to establish a methodology to be used in fiscal years 2012 and 2013 to estimate the quarterly amount each county DD board is to pay of the nonfederal share of the Medicaid expenditures for which the board is responsible. With certain exceptions, continuing law requires the board to pay this share for home and community-based services provided to an individual who the board determines is eligible for board services.⁴⁷

Each quarter, the Director must submit to the board written notice of the amount for which the board is responsible. The notice must specify when the payment is due.

Withholding amounts owed by county DD boards

(Section 263.20.10)

Under the act, if a county DD board does not fully pay any amount owed to ODODD by the time it is due, the ODODD Director is authorized to withhold the unpaid amount from any amounts due to the board. The act permits the Director to use any appropriation item or fund used by ODODD to transfer cash to any other fund used by ODODD in an amount equal to the amount owed by the board. The transfers are to be made using an intrastate transfer voucher.

⁴⁷ R.C. 5126.0510.

Ohio Developmental Disabilities Council remote attendance pilot program

(Section 263.20.90)

The act authorizes the Ohio Developmental Disabilities Council to establish a two-year pilot program to allow Council members to remotely attend a public Council meeting by teleconference or video conference in lieu of physically attending the meeting. At each Council meeting that includes members in attendance by teleconference or video conference, at least three Council members must be physically present. The act permits any Council meeting to be held with members in attendance by teleconference or video conference; however, the Council must hold at least one meeting each year without permitting attendance by teleconference or video conference.

The act specifies that a member attending a Council meeting by teleconference or video conference must be counted for purposes of determining whether a quorum is present for the transaction of business. The member must be permitted to vote at the meeting.

Report to the General Assembly

If the Council establishes the pilot program, the act requires the Council to submit a report to the General Assembly not later than June 30, 2012 (which is one year after the act's immediate effective date) to assist the recipients in determining whether legislation establishing remote attendance by teleconference or video conference for the meetings of other public bodies would be beneficial. The report must include all of the following:

- (1) A description of the effect of teleconferencing or video conferencing on the operation of the Council meetings;
- (2) An accounting of any costs incurred or savings realized by the Council;
- (3) Regarding the meetings held during the pilot program, all of the following:
 - (a) each meeting notice, (b) Council member attendance records, (c) a description of public and media attendance, (d) a summary or copy of any comments made by the public or media regarding the use of teleconferencing or video conferencing, (e) the minutes for each meeting, (f) an accounting of the costs incurred for each meeting, and (g) a description of any local media coverage of a teleconference or video conference meeting.



Rule-making authority

The act permits the Council to adopt any rules it considers necessary to implement the pilot program. The rules must be adopted in accordance with the Administrative Procedure Act and, at a minimum, do the following:

(1) Allow Council members to attend a public Council meeting by teleconference or video conference in lieu of physically attending the meeting;

(2) Establish a method for verifying the identity of a member who attends a meeting by teleconference or video conference;

(3) Establish a policy for distributing and circulating necessary documents to Council members, the public, and the media in advance of a meeting at which members are permitted to attend by teleconference or video conference.

