



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

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Sub. S.B. 144

132nd General Assembly
(As Passed by the General Assembly)

Sens. Burke, Yuko, Coley, Bacon, Beagle, Eklund, Hackett, Hite, Hoagland, Huffman, Lehner, Manning, Obhof, O'Brien, Tavares, Terhar, Wilson

Reps. Anielski, Hambley, Carfagna, Perales, Antonio, Ashford, Brown, Craig, Dean, Dever, Galonski, Holmes, Howse, T. Johnson, Kent, Lang, LaTourette, Lepore-Hagan, Lipps, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Reineke, Rogers, Romanchuk, Ryan, Scherer, Seitz, Sheehy, R. Smith, Sweeney, West, Wiggam, Young

Effective date: June 1, 2018

ACT SUMMARY

Opportunities for Ohioans with Disabilities Council

- Creates the Opportunities for Ohioans with Disabilities (OOD) Council, a state rehabilitation services council, to replace the current OOD Commission, the Consumer Advisory Committee, and the Governor's Council on People with Disabilities.
- Requires the Governor to appoint 15 members to the OOD Council, a majority of whom must be persons with disabilities who are not employed by the Opportunities for Ohioans with Disabilities Agency (OOD), and specifies the qualifications and terms of members.
- Requires the Executive Director of OOD and any other member of the OOD Council who is an OOD employee to serve as a nonvoting member.
- Requires the OOD Commission to continue to operate until the Governor appoints all of the initial members to the OOD Council, and requires each current member of the Commission to finish the member's term as a member of the Council.

* This version updates the effective date.

- Limits members of the OOD Council to two consecutive terms, with certain exceptions.
- Requires OOD to provide administrative support and assistance to the Council and to collaborate with it in developing a resource plan in compliance with federal law.
- Prohibits a member of the Council from participating in discussion or votes on any matter with respect to which the member has a conflict of interest.
- Prohibits any officer or employee of the Council from engaging in certain partisan political activities.
- Lists the Council's duties, which include advising OOD and other agencies about vocational rehabilitation programs and promoting vocational rehabilitation services.

Trauma Committee membership

- Adds the American Osteopathic Board of Emergency Medicine to the boards by which a physician may be certified to be eligible for appointment to the Trauma Committee of the State Board of Emergency Medical, Fire, and Transportation Services, and corrects the name of one of those boards.

Staggered terms for employee firefighter board members

- Restores staggered terms of office for the employee members representing firefighters on the Board of Trustees of the Ohio Police and Fire Pension Fund.

Technical change

- Corrects several references to "OHA: The Association for Hospitals and Health Systems" to refer to the Ohio Hospital Association.

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CONTENT AND OPERATION

Opportunities for Ohioans with Disabilities Council

The act creates the Opportunities for Ohioans with Disabilities (OOD) Council, which is a state rehabilitation services council. The OOD Council replaces the OOD Commission, the Consumer Advisory Committee, and the Governor's Council on People with Disabilities.

Membership

The OOD Council must consist of the following 16 members, a majority of whom must be individuals with disabilities who are not employed by the Opportunities for Ohioans with Disabilities Agency (OOD):

- An individual who represents a Parent Training and Information Center established under federal law (currently, the Ohio Coalition for the Education of Children with Disabilities);¹
- A full-time employee of a federal Client Assistance Program (currently, Disability Rights Ohio);²
- A vocational counselor who has knowledge of and experience with vocational rehabilitation services;
- An individual who represents community rehabilitation program service providers;
- Four individuals who represent business, industry, or labor interests;
- An individual who represents an organization that advocates on behalf of individuals with physical, cognitive, sensory, or mental disabilities;
- An individual who represents individuals with disabilities who are unable to represent or have difficulty representing themselves;

¹ Center for Parent Information and Resources, *Find Your Parent Center*, available at parentcenterhub.org/find-your-center/.

² Disability Rights Ohio, *Client Assistance Program (CAP)*, available at disabilityrightsohio.org/client-assistance-program.



- An individual who has applied for or received vocational rehabilitation services;
- An individual who represents institutions of secondary or higher education;
- An individual from the Governor's Executive Workforce Board;
- An individual from the Department of Education with knowledge of and experience with the federal Individuals with Disabilities Education Act;
- An individual who represents the Ohio Statewide Independent Living Council;
- The Executive Director of OOD.

The Executive Director of OOD and any other member of the Council who is an OOD employee must serve as a nonvoting member.

The Governor must make all appointments to the OOD Council, with the initial appointments made by July 31, 2018 (60 days after the act takes effect). Of the initial appointments, five must be for three-year terms, five must be for two-year terms, and five must be for one-year terms. Thereafter, all terms are three years. A member appointed to fill a vacancy occurring before the end of a term must hold the office only for the remainder of the term.

The act requires the OOD Commission to continue to operate until the Governor appoints all initial members of the OOD Council (see "**Opportunities for Ohioans with Disabilities Commission**," below). Each OOD Commission member must serve on the Council for the remainder of the member's term, unless the Governor removes the member earlier for good cause. While serving on the Council, former Commission members must continue to be reimbursed for travel and necessary expenses incurred in performing their duties and must continue to receive compensation at the rate set for board and commission members by the Director of Administrative Services. A member of the former Commission must not be reappointed to the Council.

Each member is limited to two consecutive terms on the OOD Council, except the Executive Director of OOD and the member who is an employee of a Client Assistance Program. Terms are considered consecutive unless separated by three or more years. Time spent on the Council while serving the remainder of an unexpired term to which another person was appointed does not count against the person's term limit, as long as at least three years has passed since the person last served on the



Council. A person who is appointed to serve at the beginning of a term and resigns mid-term is considered to have served the full term.

Each member of the Council must serve without compensation, except to the extent that serving on the Council is considered part of the member's regular employment duties. Members must be reimbursed for actual expenses incurred in performing official duties, including travel and personal assistance services.³

Duties

The act requires the OOD Council, in collaboration with the Governor's Office of Workforce Transformation, to do all of the following:⁴

- Examine all of the following related to the state vocational rehabilitation program and advise OOD regarding that examination:
 - The process for determining eligibility, including the order of selection;
 - The extent, scope, and effectiveness of services provided;
 - The impact of state agency actions on the ability of individuals with disabilities to achieve employment outcomes through the program.
- In partnership with OOD and as required by federal rules, both:
 - Identify, develop, agree, and review state goals and priorities relating to the vocational rehabilitation services portion of the Unified or Combined State Plan submitted under the federal Workforce Innovation and Opportunity Act of 2014;
 - Evaluate the effectiveness of the vocational rehabilitation program and prepare and submit to the U.S. Secretary of Education an annual report on the progress made in improving the program's effectiveness as part of the Unified or Combined State Plan.
- Advise OOD regarding vocational rehabilitation program activities;

³ New R.C. 3304.12 and Section 3 of the act.

⁴ New R.C. 3304.14.



- Assist OOD in preparing the vocational rehabilitation services portion of the Unified or Combined State Plan, any amendments to it, and any reports, needs assessments, or evaluations required as part of it;
- To the extent feasible, evaluate the satisfaction that persons with disabilities served by the vocational rehabilitation program have with, and the effectiveness of, the following:
 - The duties performed or services provided by OOD;
 - The vocational rehabilitation services provided by state agencies or other entities responsible for providing them under the federal Rehabilitation Act of 1973;
 - The employment outcomes achieved under the vocational rehabilitation services program, including the availability of health and other employment benefits.
- Not later than 90 days after the end of each federal fiscal year, submit to the Governor and the U.S. Secretary of Education a report on the status of vocational rehabilitation programs available in Ohio and make the report available to the public through appropriate means;
- Coordinate efforts with other entities, including the following, to increase the number of individuals receiving vocational rehabilitation services:
 - The Ohio Statewide Independent Living Council;
 - The State Board of Education's State Advisory Panel for Exceptional Children;⁵
 - The Ohio Developmental Disabilities Council;
 - The entity serving as Ohio's state mental health planning council under the federal Public Health Services Act (currently, the Ohio Community Recovery Support Planning Council);⁶

⁵ See R.C. 3323.06, not in the act, and Ohio Department of Education, *State Advisory Panel for Exceptional Children (SAPEC)*, available at education.ohio.gov/Topics/Special-Education/State-Performance-Plan/State-Advisory-Panel-for-Exceptional-Children-SAP.

⁶ Ohio Department of Mental Health and Addiction Services, *Ohio Community Recovery Support Planning Council (OCRSPC)*, available at mha.ohio.gov/Default.aspx?tabid=235.



- The Governor's Executive Workforce Board;
- The entities performing activities under the federal Assistive Technology Act of 1998.
- Engage in efforts to improve coordination and establish relationships between OOD, the Ohio Statewide Independent Living Council, and the centers for independent living;
- Perform any other functions consistent with the federal Rehabilitation Act of 1973 and the Council's duties.

Organization and operation

The OOD Council must hold its first meeting at the call of the Governor. It must meet at least four times a year, and may hold special meetings with the Governor's approval. Eight members constitute a quorum. The Council must select one of its members, by a majority vote, to serve as its chairperson. The chairperson must serve in that role for one year, unless the Council removes the chairperson earlier.

OOD must provide administrative support to the Council, assist it in performing its duties, and collaborate with it in developing a resource plan in compliance with federal law.

The Council must establish standards for the conduct of its business. A member who has a conflict of interest on a matter before the Council must not participate in Council discussions and votes on the matter. The act also prohibits any officer or employee of the Council from:

- Using or permitting the use of any vocational rehabilitation program for the purpose of interfering with an election for any partisan political purpose;
- Soliciting or receiving money for a partisan political purpose; or
- Requiring any other person to contribute any service or money for a partisan political purpose.

An officer or employee who violates any of these prohibitions must be removed from office or employment. These political restrictions currently apply to the officers or employees of the OOD Commission (eliminated by the act), as well as of OOD, and to



any other person engaged in the administration of a vocational rehabilitation services program sponsored by or affiliated with the state.⁷

Elimination of other entities

The new OOD Council replaces the OOD Commission, the Consumer Advisory Committee, and the Governor's Council on People with Disabilities, and those entities are abolished.

Opportunities for Ohioans with Disabilities Commission

The OOD Commission was responsible for:⁸

- Approving the state vocational rehabilitation services plan;
- Jointly approving the state plan for independent living with the Ohio State Independent Living Council;
- Appointing a Consumer Advisory Committee (abolished by the act);
- To the extent feasible, conducting a review and analysis of the effectiveness of, and consumer satisfaction with:
 - The functions performed by OOD;
 - The vocational rehabilitation services provided by state agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the federal Rehabilitation Act of 1973;
 - The employment outcomes achieved by eligible individuals with disabilities receiving vocational rehabilitation services, including the availability of health and other employment benefits in connection with those employment outcomes.

Membership and meetings

The OOD Commission consisted of seven members, who were appointed by the Governor with the advice and consent of the Senate. No more than four could be of the same political party, and the members with disabilities had to represent several major categories of those with disabilities served by OOD. The membership had to include:

⁷ New R.C. 3304.12, 3304.13, and 3304.14(B); R.C. 3304.22.

⁸ Former R.C. 3304.14 (repealed).



- At least three members from rehabilitation professions;
- At least one member from the field of services to the blind;
- At least four individuals with disabilities, two or three of whom had received vocational rehabilitation services offered by a state vocational rehabilitation agency or the Veterans' Administration.

Members served seven-year terms and were limited to two terms. They were reimbursed for travel and necessary expenses and compensation at the rate set for board and commission members by the Director of Administrative Services.⁹

The Commission had to meet at least once every four months, according to rules adopted by it, and special meetings could be held at the call of the chairperson or of any three members.¹⁰

Consumer Advisory Committee

While the Revised Code required the OOD Commission to appoint the Consumer Advisory Committee, it did not describe the Committee's duties, beyond specifying that members received no compensation except for traveling and other expenses incurred in performing their official duties, subject to advance approval by the OOD Executive Director.¹¹

According to OOD, the Consumer Advisory Committee consisted of persons or their family members who had received services from OOD. Members served three-year terms, during which they advised OOD on its vocational rehabilitation programs and advocated for Ohioans with disabilities.¹²

Governor's Council on People with Disabilities

The Council on People with Disabilities had the following powers:

- To cooperate with the President's Committee on Employment of the Handicapped;

⁹ Former R.C. 3304.12 (repealed).

¹⁰ Former R.C. 3304.13 (repealed).

¹¹ R.C. 3304.25 (repealed).

¹² OOD, *Consumer Advisory Committee (CAC)*, ood.ohio.gov/About-Us/Consumer-Advisory-Committee.



- To cooperate with employers in locating or developing employment opportunities for people with disabilities;
- To encourage and assist in creating committees at the community level;
- To assist government agencies in coordinating their activities to secure maximum utilization of funds and efforts that benefit people with disabilities;
- To encourage cooperation among employers, unions, and rehabilitation agencies and organizations to facilitate employment of people with disabilities;
- To conduct educational programs to acquaint the public with the abilities and accomplishments of people with disabilities;
- To promote the elimination of architectural barriers.

The Council had to submit an annual report to the Governor on its activities, the state of Ohioans with disabilities, and any recommendations it believed necessary or desirable to carry out its duties.

Additionally, the Council nominated three persons who actively advocate for trauma victims to serve on the Trauma Committee of the State Board of Emergency Medical, Fire, and Transportation Services. The Director of Public Safety appointed a member from among the Council's nominees and three nominees submitted by the Ohio Brain Injury Association. Under the act, only the Ohio Brain Injury Association may submit nominations for that position.¹³

Membership and meetings

The Governor's Council consisted of 21 members appointed by the Governor, the majority of whom had to be people with disabilities. The Director of Job and Family Services also appointed an employee of the Department to serve as an ex officio member to maintain a liaison between the Department and the Council.

Members served three-year terms and were limited to two consecutive terms. Council members served without compensation, but were paid the actual and necessary expenses incurred in performing their duties.¹⁴

¹³ R.C. 3303.41 (repealed) and 4765.04.

¹⁴ R.C. 3303.41(A) and (G) (repealed) and 4141.04.



The Council had to meet at least six times annually at the call of the chairperson. The Council could make rules for the conduct of its own business. The Executive Director of OOD had to provide the Council with a professional staff person to serve as its Executive Secretary and any necessary meeting space, office furniture, and equipment.¹⁵

Trauma Committee membership

Under continuing law, to be eligible for appointment to the Trauma Committee of the State Board of Emergency Medical, Fire, and Transportation Services, physicians must be certified by certain boards. For two Trauma Committee appointments, the physician representing pediatric emergency medicine and the physician representing an air medical organization, the act adds the American Osteopathic Board of Emergency Medicine to the boards by which the physician may be certified.¹⁶

The act corrects the name of an osteopathic board by changing the American Osteopathic Board of Rehabilitation Medicine to the American Osteopathic Board of Physical Medicine and Rehabilitation.¹⁷

Staggered terms for OP&F employee firefighter board members

The Board of Trustees of the Ohio Police and Fire Pension Fund has two employee members who are firefighters. Typically, trustees serve four-year staggered terms.¹⁸ However, vacancies occurred in the terms of both members in 2014 so the Board, following the law's procedure to fill vacancies, elected two new members. As a result, their current terms expire on the same day and are no longer staggered.¹⁹ The act extends the term of office of the employee member who was elected on March 6, 2014, so that specific employee member holds office until June 1, 2020.²⁰ This restores staggered terms for the two employee members who are firefighters.

¹⁵ R.C. 3303.41(A), (B), and (C) (repealed).

¹⁶ R.C. 4765.04(B)(9) and (10).

¹⁷ R.C. 4765.04(B)(6).

¹⁸ R.C. 742.03 and 742.04, not in the act.

¹⁹ See "Our Board Members," available at www.op-f.org/BoardOfTrustees/BoardMembers.aspx.

²⁰ R.C. 742.05(B).



Technical change

The act changes several references to "OHA: The Association for Hospitals and Health Systems" to refer to the Ohio Hospital Association, which is the correct name of that organization.²¹

HISTORY

ACTION	DATE
Introduced	05-03-17
Reported, S. Gov't Oversight & Reform	09-27-17
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Reported, H. State and Local Government	12-07-17
Passed House (94-0)	02-14-18
Senate concurred in House amendments (32-0)	02-20-18

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²¹ R.C. 4765.04.

