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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 56  
133rd General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Sen. Maharath

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### Summary

- Creates a Long-term Care Inspection Committee as a subcommittee of the Legislative Service Commission.
- Requires the Committee to (1) establish and maintain an inspection program for long-term care facilities, (2) evaluate and assist in the development of long-term care facility improvement programs, and (3) prepare reports to the General Assembly regarding the Committee's findings.

### Detailed Analysis

#### Long-term Care Inspection Committee

##### Creation and duties

The bill creates a Long-term Care Inspection Committee as a subcommittee of the Legislative Service Commission (LSC). The bill specifies three duties for the Committee: (1) establish and maintain an inspection program for long-term care facilities, (2) evaluate and assist in the development of long-term care facility improvement programs, and (3) prepare reports to the General Assembly regarding Committee findings on these duties.<sup>1</sup> The bill defines a "long-term care facility" to include a nursing home, a Medicare-certified skilled nursing facility or nursing facility, and a residential care facility (commonly referred to as an assisted living facility).

##### Inspections

The Long-term Care Inspection Committee must establish and maintain a continuing program of inspection of each long-term care facility in Ohio. As part of the program, the Committee must biennially conduct an inspection of each long-term care facility. The inspection must include attending one general meal period and one social activity program.

<sup>1</sup> R.C. 103.87.

The bill specifies several conditions that apply to each inspection:

--The inspection is not to be conducted without the Committee chairperson's prior approval.

--The inspection is to be conducted by at least one Committee staff member and may include one or more of the Committee members.

--The inspectors must be given access to the facility or any part of it and are not required to give notice of or make prior arrangements before the inspection.

--The inspection must be conducted during normal business hours unless the Committee chairperson determines that the particular circumstances warrant an exception to this policy (including emergency circumstances or a justifiable cause that perpetuates the mission of the Committee).

### **Improvement efforts**

The bill requires the Committee to evaluate and assist in the development of programs to improve the condition or operation of long-term care facilities.

### **Reports to the General Assembly**

The bill requires the Committee to prepare a report each biennium of its findings from inspections and its involvement with long-term care facility improvement efforts. The report must contain a separate evaluation of the resident grievance procedure at each long-term care facility. Each report must be submitted to the succeeding General Assembly within 15 days after its first regular session.

### **Organization**

The Committee is to consist of eight persons: four members of the Senate appointed by the Senate President and four members of the House of Representatives appointed by the House Speaker. Not more than two of each group may be members of the same political party.

Initial appointments to the Committee must be made within 15 days after the bill's effective date. Thereafter, appointments are to be made within 15 days after the first regular session of each General Assembly. A vacancy on the Committee must be filled for the unexpired term in the same manner as the original appointment. Members are to serve until the next appointments are made, unless they cease to be General Assembly members.<sup>2</sup>

The bill requires that the Committee, by a vote of at least five members, select from its membership a chairperson, vice-chairperson, and secretary. The members must serve without compensation but are to be reimbursed for their actual and necessary expenses incurred in performing official duties.<sup>3</sup>

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<sup>2</sup> R.C. 103.85.

<sup>3</sup> R.C. 103.86.

## Staffing

The bill authorizes the Committee to employ a director and any other nonlegal staff necessary for the Committee to fulfill its duties. These employees are to be unclassified employees. The Committee also may contract for the services of nonlegal technical advisors. The Attorney General is to be the Committee's legal counsel.

LSC's chairperson and vice-chairperson must fix the Committee director's compensation. The Committee director, with the LSC director's approval, must fix the compensation of other Committee staff in accordance with a salary schedule established by the LSC director. Contracts for the services of technical advisors must be approved by the LSC director.

The Committee, subject to LSC's oversight and direction, must direct the work of the Committee's director and staff.<sup>4</sup>

## Appropriations

The bill requires the General Assembly to 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 must be paid from that appropriation upon vouchers approved by the Committee's chairperson. (See **Comment**.)

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## Comment

One General Assembly cannot bind the appropriations of a future General Assembly, because the future General Assembly has the power (pursuant to Article II, Sections 1 and 15 of the Ohio Constitution) to amend or repeal that law. The discretion to appropriate funds for the Long-term Care Inspection Committee would be up to each succeeding General Assembly.

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## History

Action	Date
Introduced	02-20-19

S0056-I-133/ts

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<sup>4</sup> R.C. 103.88.