

Executive

As Passed by the House

As Passed by the Senate

As Enacted

LRSCD2 Legal Rights Service Transition to Nonprofit Entity

R.C. 5123.60, 5123.601, 3721.16, 5111.709, 5119.221, 5122.01, 5122.27, 5122.271, 5122.31, 5122.32, 5123.35, 5123.61, 5123.64, 5123.86, 5123.99, Section 319.20, Repealed: R.C. 5123.602 - 5123.605

R.C. 5123.60, 5123.601, 3721.16, 5111.709, 5119.221, 5122.01, 5122.02, 5122.27, 5122.271, 5122.29, 5122.31, 5122.32, 5123.092, 5123.19, 5123.191, 5123.35, 5123.61, 5123.63, 5123.64, 5123.69, 5123.701, 5123.86, 5123.99, 5126.33, Sections 319.20, 812.10, Repealed: R.C. 5123.602 - 5123.605

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Requires, not later than December 31, 2011, establishment of a nonprofit protection and advocacy system and client assistance program for people with disabilities, and permits the Ohio Legal Rights Service (OLRS) to subcontract with the nonprofit entity to perform any functions that OLRS is permitted or required to perform.

Same as the Executive.

Same as the Executive.

Same as the Executive and clarifies that the nonprofit entity is to be established in compliance with all federal law regarding a protection and advocacy system and client assistance program.

Requires, not later than September 30, 2012, the Governor to designate the nonprofit entity as Ohio's protection and advocacy system and client assistance program for people with disabilities.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Defines the nonprofit protection and advocacy system as a legal rights service.

Provides that the nonprofit entity is to be known as the Ohio Protection and Advocacy System.

Same as the House.

Same as the House.

Provides that any function of OLRS commenced prior to October 1, 2012, must

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Same as the Executive.

Same as the Executive.

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be completed by the nonprofit entity.			
Abolishes on October 1, 2012, OLRs, the Legal Rights Service Commission, and the Ombudsperson Section of OLRs.	Same as the Executive.	Same as the Executive.	Same as the Executive.
No provision.	No provision.	No provision.	Requires, after OLRs is abolished, that all employee personnel records and general administrative and information technology records be retained by OBM according to applicable retention schedules, and that personnel records be transferred to DAS for permanent retention. Also requires that all fiscal records be retained by OBM until state and federal audits are conducted, audit reports are released, and all discrepancies are resolved, and provides for the records then to be destroyed according to applicable retention schedules.
No provision.	No provision.	No provision.	Requires all equipment and assets of OLRs, as well as any positions designated for transfer by OBM, to be transferred to the Ohio Protection and Advocacy System when OLRs is abolished, and requires OLRs and the nonprofit entity to enter into an agreement for those transfers.
No provision.	No provision.	No provision.	Requires the OBM Director, by October 1, 2012, to distribute any remaining cash balances in funds used by OLRs to the nonprofit entity designated as the state's protection and advocacy system and establishes a process for the distribution to take place. Permits the OBM Director to transfer cash between any funds that were used by OLRs, create new funds, or abolish

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<p>Eliminates all related statutory provisions, except for extending the following to the nonprofit entity: (1) the same access to records, (2) the same confidential status of records that are received, (3) the same subpoena powers and (4) the same notification requirements.</p>	<p>Same as the Executive but removes references to the advocacy system in certain notification processes.</p>	<p>Same as the House.</p>	<p>existing funds used by OLRS in order to financially manage the abolition of that agency. Same as the House.</p>
<p>No provision.</p>	<p>Removes the authority for the advocacy system to petition courts of common pleas to determine whether application by a parent or guardian for voluntary admission or continued hospitalization of a minor or person with a mental illness is in that person's best interest, while maintaining authority for other parties to petition the court to make the determination.</p>	<p>Same as the House.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Removes the authority for the advocacy system to petition courts of common pleas to determine whether application by a parent or guardian for voluntary admission or admission for short-term care of a minor or person with a mental retardation is in that person's best interest (under current law, only OLRS is specified as having authority to make such a petition).</p>	<p>Same as the House.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Removes authority in existing law for the advocacy system to file complaints with ODODD alleging statute or rule violations related to residential facilities.</p>	<p>Same as the House.</p>	<p>Same as the House.</p>

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No provision.	Removes authority for the advocacy system to request ODODD petition a court to appoint a receiver to take possession of and operate a residential facility as well as the requirement that a court order ODODD to notify the advocacy system that such a petition has been filed.	Same as the House.	Same as the House.
Specifies that OLRs employees are not considered public employees for the purposes of participating in the Ohio Public Employees Retirement System.	No provision.	No provision.	No provision.
No provision.	Removes a provision in existing law that specifies the administrator of the advocacy system as a voting member of the Medicaid Buy-In Advisory Council.	Same as the House.	Same as the House.
Allows GRF appropriation items 054321, Support Services, and 054401, Ombudsman, to be used to support the costs of transitioning OLRs into a nonprofit entity.	Same as the Executive.	Same as the Executive.	Same as the Executive.

**LRSCD4 Requirements for Class Action Lawsuits**

No provision.	No provision.	<p><b>R.C. 5123.60, 5123.602</b></p> <p>Requires the class represented in any class action lawsuit brought by the advocacy system and the nonprofit entity to be designated by the Governor on October 1, 2012, to include only persons who are mentally ill, mentally retarded, or developmentally disabled.</p>	<p><b>R.C. 5123.60, 5123.602</b></p> <p>No provision.</p>
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No provision.	No provision.	<p>Requires that the compensation that may be awarded in a class action lawsuit pursued by the advocacy system and the nonprofit entity to be designated by the Governor on October 1, 2012, for the work of the advocacy system's attorneys or attorneys employed by another agency or political subdivision of the state be limited to the actual hourly rate of pay for that legal work.</p> <p><b>Fiscal effect: Potential loss of revenue if awarded compensation is less than what is currently awarded.</b></p>	<p>Same as the Senate.</p> <p><b>Fiscal effect: Same as the Senate.</b></p>