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Ohio Association of Ambulatory Surgery Centers Legislative Update

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HB90 OVERSIGHT OF GOVERNOR'S AND HEALTH ORDERS (WIGGAM S, EDWARDS

J) To establish legislative oversight of the Governor's executive orders, certain public health orders, and emergency rules, including by establishing the Ohio Health Oversight and Advisory Committee.

Current Status: 2/24/2021 - **SUBSTITUTE BILL ACCEPTED**, House State

and Local Government, (Third Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-90

HB110 OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the

biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to

provide authorization and conditions for the operation of state programs.

Current Status: 7/1/2021 - **SIGNED BY GOVERNOR**; effective 7/1/21 *State Bill Page:* https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-110

HB122 TELEHEALTH SERVICES (FRAIZER M, HOLMES A) To establish and modify

requirements regarding the provision of telehealth services, to establish a provider credentialing program within the Medicaid program, to revise the law governing the State Medical Board's One-Bite Program, and to extend the suspension of certain programs and requirements under the state's insurance laws until January 1, 2026.

Current Status: 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22 *State Bill Page:* https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-122

HB160 HEALTH CARE COST ESTIMATES (HOLMES A) Regarding the provision of health

care cost estimates.

Current Status: 3/10/2021 - House Insurance, (First Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-160

HB196 REGULATE SURGICAL ASSISTANTS (KELLY B, CARRUTHERS S) To regulate the

practice of surgical assistants.

Current Status: 5/24/2022 - REPORTED OUT, House Health, (Seventh

Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-



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HB218 COVID-19 VACCINE - QUALIFIED IMMUNITIES (CUTRONA A) To address

medical requirements for employees and students; to address qualified civil immunity regarding certain coronaviruses; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.07, and 3792.08 of the Revised Code on September 30, 2025.

Current Status: 12/7/2021 - Senate General Government Budget, (Second

Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-218

HB267 LIMIT PUBLIC HEALTH ORDERS (JORDAN K) To limit the duration of public health orders and to allow the General Assembly to act via concurrent resolution in

response to a public health emergency if the Governor or Department of Health

does not.

Current Status: 5/4/2021 - Referred to Committee House State and Local

Government

State Bill Page: https://www.leqislature.ohio.gov/leqislation/leqislation-

summary?id=GA134-HB-267

REDUCE ABUSE OF PRESCRIPTION OPIOIDS (LOYCHIK M, BIRD A) Regarding

a proposal to reduce the abuse of prescription opioids, to establish addiction treatment facilities, to increase penalties for drug trafficking violations, to modify penalties for drug possession, to require an offender convicted of a drug possession or drug trafficking offense involving certain drugs to be subject to ten years of post-release control, to allow a criminal defendant who has a severe substance use disorder involving certain drugs to be confined by a state detoxification provider while awaiting trial, to create restitution work programs, and to make an appropriation.

Current Status: 4/6/2022 - House Criminal Justice, (Third Hearing) *State Bill Page:* https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-356

HB388 REGARDING VACCINE REFUSAL (JORDAN K) To prohibit taking certain actions

against an individual because the individual refuses to be vaccinated against a

disease.

Current Status: 8/12/2021 - Introduced

State Bill Page: https://www.leqislature.ohio.gov/leqislation/leqislation-



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HB401 EMPLOYER-MANDATED COVID VACCINATION INJURY (EDWARDS J) To

exempt an injury or disability caused by an employer-mandated COVID-19 vaccination from the Workers' Compensation Law and to allow the employee to sue

the employer for damages.

Current Status: 8/24/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-401

HB411 INDIVIDUAL PRIVACY, ANTI-DISCRIMINATION ACT (CLICK G, GRENDELL

D) To prohibit mandatory disclosures related to an individual's COVID-19 vaccination status, to name the act the Individual Privacy and Anti-Discrimination

Act, and to declare an emergency.

Current Status: 9/8/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-411

HB424 COVID-19 VACCINE - QUALIFIED IMMUNITIES (KOEHLER K) To prohibit a

political subdivision, public official, public school, state agency, or state institution of higher education from taking certain actions related to the COVID-19 vaccine, to codify the qualified civil immunities under H.B. 606 of the 133rd General Assembly permanently, to repeal section 3792.05 of the Revised Code on the date that is two years after the effective date of that section, and to declare an emergency.

Current Status: 9/20/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-424

HB425 COVID-19 - GENETIC TECHNOLOGIES (WIGGAM S, HALL T) To prohibit certain

actions related to COVID-19 and genetic technologies.

Current Status: 9/20/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-425

HB435 VACCINE REQUIREMENTS (CARFAGNA R, SEITZ B) To address COVID-19

vaccine requirements for employees and students; to extend certain timelines for qualified civil immunity and expand immunity to include hearing aid dealers and hearing aid fitters; to authorize emergency medical technicians to administer COVID-19 tests; to expressly cover COVID-19 vaccine injuries under the workers' compensation system; and to repeal sections 3792.05, 3792.06, 3792.07, and

3792.08 of the Revised Code on June 30, 2023.

Current Status: 10/13/2021 - Bills for Third Consideration; (Pending

Committee Report)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-



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HB454 SAFE ACT (CLICK G, GRENDELL D) To prohibit certain procedures to alter a minor

child's sex and to designate this act as the Save Adolescents from Experimentation

(SAFE) Act.

Current Status: 6/1/2022 - House Families, Aging and Human Services,

(Fourth Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-454

HB477 EXPULSION, TERMINATION BASED ON VACCINATION STATUS

(RICHARDSON T) To prevent expulsion from school and termination from

employment based on COVID-19 vaccination status. *Current Status:* 11/1/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-477

HB481 COVID VACCINE, PASSPORT PROTECTION ACT (JORDAN K) To enact the

COVID-19 Vaccination and Passport Protection Act to prohibit schools, institutions of higher education, employers, and places of public accommodation from requiring

COVID-19 vaccines or proof of vaccination.

Current Status: 11/8/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-481

HB489 INALIENABLE RIGHTS OF CONSCIENCE ACT (CLICK G) To enact the

Inalienable Rights of Conscience Act regarding students and employees who object to certain vaccines and other treatments based on reasons of conscience, including

religious convictions.

Current Status: 11/16/2021 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-489

HB598 PROHIBIT ABORTIONS BASED ON CONDITION (SCHMIDT J) To enact the

Human Life Protection Act to prohibit abortions based upon a condition precedent.

Current Status: 5/26/2022 - House Government Oversight, (Third Hearing) **State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-598

HB704 DESIGNATE PERSONHOOD FROM CONCEPTION (CLICK G) To enact The

Personhood Act to recognize the personhood of an unborn human individual from

conception.

Current Status: 7/11/2022 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-



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HB714 ADVANCED PRACTICE RESPIRATORY THERAPISTS (YOUNG T, JOHN M) To

license advanced practice respiratory therapists and to amend the version of section 4761.01 of the Revised Code that is scheduled to take effect September 30, 2024, to continue the change on and after that date

to continue the change on and after that date.

*Current Status: 8/31/2022 - Introduced

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-HB-714

SB22 LEGISLATIVE OVERSIGHT-PUBLIC HEALTH ORDERS (JOHNSON T,

MCCOLLEY R) To establish legislative oversight of orders issued by the executive branch, including by establishing the Ohio Health Oversight and Advisory

Committee.

Current Status: 3/24/2021 - Consideration of Governor's Veto; House

Overrides Veto, Vote 62-35

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-SB-22

SB150 NONCOMPETE PROVISIONS-PHYSICIANS (JOHNSON T, WILLIAMS S) To

prohibit the use of noncompete provisions in physician employment contracts.

Current Status: 10/27/2021 - Senate Small Business and Economic

Opportunity, (Third Hearing)

State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-SB-150

SB157 ATTEMPTED ABORTIONS (JOHNSON T, HUFFMAN S) To require reports to be

made after a child is born alive following an abortion or attempted abortion, to establish certain civil or criminal penalties for failing to preserve the health or life of such a child, and to make changes regarding variances from written transfer

agreements.

Current Status: 12/22/2021 - **SIGNED BY GOVERNOR**; eff. 3/23/22 *State Bill Page:* https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-SB-157

SB161 SURGICAL SMOKE (BRENNER A) Regarding surgical smoke.

Current Status: 3/16/2022 - Senate Health, (Third Hearing)

State Bill Page: https://www.leqislature.ohio.gov/leqislation/leqislation-



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SB321 REGARDING APRN AUTHORITY (ROMANCHUK M) Regarding the authority of advanced practice registered nurses, and to amend the versions of sections 3701.5010, 3705.30, and 3929.67 of the Revised Code that are scheduled to take effect on September 30, 2024, to continue the changes to those sections on and after that date.

Current Status: 5/18/2022 - Referred to Committee Senate Health **State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-SB-321

SB322 SEX OFFENSES, MEDICAL PROFESSIONS (HACKETT R) Regarding sex offenses

and individuals regulated by the State Medical Board.

Current Status: 5/18/2022 - Referred to Committee Senate Health **State Bill Page:** https://www.legislature.ohio.gov/legislation/legislation-

summary?id=GA134-SB-322

Friday, Nov. 4, 2022

ABORTION

Attorney General Dave Yost should explain how he will advise state officials and health care providers to apply the "medical emergency" exception in 133-SB23 (Roegner) if he is successful in reinstating the law prohibiting abortion when fetal cardiac activity is detected, House Democratic leaders said Friday. "Doctors are not lawyers. They should not have to delay or deny life-saving procedures because there is legal ambiguity as to their providing medically necessary care. No physician should be forced to choose between providing medical care or being imprisoned, sued, fined or stripped of their license," House Minority Leader Allison Russo (D-Columbus), Ohio Black Maternal Health Caucus Co-Chair Rep. Catherine Ingram (D-Cincinnati) and House Health Committee Ranking Member Beth Liston (D-Dublin) wrote in a letter to the Ohio Attorney General's Office.

AGRICULTURE

The Agriculture Education Foundation is accepting applications for five \$1,000 scholarships for college students enrolling in Ohio's agriculture educator programs for the spring semester 2023. The scholarship is open to any student who meets the minimum qualifications and is enrolled or planning to enroll in an agriculture teaching major or 4-H extension major at any of Ohio's three universities offering these programs or another two-year or four-year school in Ohio offering a two-plus-two program or another pathway to become an agriculture teacher or extension educator. The deadline for applications is Monday, Nov. 28, 2022 at 5 p.m. Awards will be made no later than



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Tuesday, Dec. 15, 2022. Official application documents and requirements are available at www.agised.org.

ATTORNEY GENERAL

Pharmacy benefit manager (PBM) OptumRx and Attorney General Dave Yost apparently have sorted out last-minute wrinkles that led the state vendor to argue last week that its legal battle with the state wasn't resolved. Yost had previously announced a settlement with Optum to resolve charges related to its pricing practices while serving as PBM for the Bureau of Workers' Compensation (BWC). However, soon after, media outlets reported that Optum disputed Yost's statements that a settlement had been finalized. But the disagreement was short-lived. Drew Krejci, vice president and head of communications for Optum, said in an email the "outstanding issues" were resolved and the settlement finalized.

AUTOMOBILE INDUSTRY

Ohio businesses can now begin applying for \$100 million in federal funding for electric vehicle (EV) charging infrastructure, Gov. Mike DeWine and Lt. Gov. Jon Husted announced Monday. DriveOhio, a division of the Ohio Department of Transportation (ODOT), has begun accepting proposals from companies to install and operate EV charging stations in Ohio. Funding proposals must align with Ohio's EV infrastructure deployment plan, which requires that charging stations support at least four direct current fast chargers with at least 150 kilowatts per port. Currently, Ohio has 13 charging stations that meet these requirements, and plans to add 30 more locations by 2025.

BALLOT ISSUES

Attorney General Dave Yost Friday approved the petition summary for a proposed constitutional amendment that would raise the minimum wage to \$15 by 2028. Under the proposed "Raise the Wage Ohio" amendment, the state minimum wage that was effective Jan. 1, 2007, would be raised to \$10.50 per hour on Jan. 1, 2025. After 2025, the amendment would increase the state minimum wage rate in equal increments annually for three years until it reaches \$15 per hour on Jan. 1, 2028. The minimum wage would continue to increase annually to reflect inflation, but the adjusted annual increases from 2025-2028 would be replaced by fixed dollar amounts, before the inflation adjusted wage increases would begin again on Jan. 1, 2029. The issue now heads to the Ohio Ballot Board on Monday, Nov. 7, which must determine if the proposal contains one or more proposed constitutional amendments.

ECONOMIC DEVELOPMENT



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U.S. Sens. Sherrod Brown (D-OH) and Rob Portman (R-OH) both announced Monday that five community development entities in Ohio will receive \$230 million through the federal New Markets Tax Credit (NMTC) program, helping attract private investment for their work. The Ohio Community Development Fund in Columbus will receive \$60 million; three entities -- the Dayton Region New Market Fund, Northeast Ohio Development Fund in Cleveland and Uptown Consortium in Cincinnati -- will each receive \$45 million; and the Cleveland New Markets Investment Fund will receive \$35 million. Ohio groups previously received \$215 million in 2021, according to Brown's office.

EDUCATION

Calling it a "success story of collaboration," the Ohio State Highway Patrol and the Ohio departments of transportation (ODOT) and education (ODE) announced Friday a partnership that has created new reflectors for school buses in an effort to improve safety for students and motorists. Under the partnership, ODOT will produce new red and black reflective "STOP" decals for the back of school buses that will be put out to school districts for use on the nearly 20,000 school buses used to transport students in the state. Already, nine school districts in the state have participated in a pilot and reported their results to the state. All believed that the new reflective decals were more effective than the standard, non-reflective STOP decal currently displayed on the rear of school buses. Districts that participated in the pilot include Centerville City, Chagrin Falls Exempted Village, Columbus City, Dublin City, Green Local, Huber Heights City, Marysville Exempted Village, Massillon City and Union-Scioto Local schools.

State Board of Education (SBOE) members debated at length but did not reach a decision Monday on a resolution opposing draft Biden administration Title IX regulations regarding gender identity. They ultimately agreed to lead off their regular November meeting with further discussion. After two months of tense debate and emotional public testimony on board member Brendan Shea's resolution, the board voted earlier in October to send the topic to its Executive Committee. Shea's resolution states biological sex assigned at birth is an objective fact, saying denial of that "destroys foundational truths upon which education rests and irreparably damages children." The resolution also supports Attorney General Dave Yost's litigation against the federal government over the draft regulations as well as legislative efforts to bar trans girls from participating in girls' school sports. It further would direct the state superintendent to send a letter to local schools stating the Ohio Department of Education (ODE) considers the regulations unenforceable.

Six Ohio school districts are among nearly 400 across the U.S. to get support for alternative fuel buses under the federal Bipartisan Infrastructure Law. The Biden administration recently announced recipients of federal FY22 Clean School Bus Program



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rebates from the U.S. Environmental Protection Agency (USEPA). Ohio recipients and funding amounts include the following:

- \$1,185,000 to Zenith Academy West in Columbus for three electric buses.
- \$750,000 to Toledo Public Schools for 25 propane buses.
- \$790,000 to Amanda-Clearcreek Local School in the village of Amanda for two electric buses.
- \$1,580,000 to Madison-Plains Local Schools District in the city of London for four electric buses.
- \$790,000 to Bradford Exempted Village School District in the village of Bradford for two electric buses.
- \$790,000 to Eastern Local School District in the village of Beaver for two electric buses.

Sixteen rural Ohio school districts and their corresponding counties and townships will share \$1,578,538 from the harvest of timber from Ohio's state forests through the Trees to Textbooks program, which operates as part of the Ohio Department of Natural Resources (ODNR) Division of Forestry. Under this program, a percentage of the revenue generated from state forest management activity goes to the county, township, and school district in which the activity took place.

The state lacks justification to freeze the assets of Electronic Classroom of Tomorrow (ECOT) founder William Lager, his attorneys argued in court filings, also saying the supposed urgency of the situation is belied by the fact the attorney general is seeking the freeze four years after the case was filed. Lager and ECOT vendors affiliated with him were found by Judge Kimberly Cocroft to have illegally profited from contracts with the school, which shut down in early 2018 after the state started withholding money to recoup past overpayments. ECOT lost a battle in the Ohio Supreme Court challenging the Ohio Department of Education and State Board of Education's determination that it could not substantiate the enrollment of thousands of students and owed the state tens of millions of dollars.

ELECTIONS

Ohio law dictating candidates' and parties' appointment of election observers does not improperly favor major party candidates, the Ohio Supreme Court ruled Friday in rejecting a suit filed by independent secretary of state candidate Terpshehore Maras. Ohio



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law allows appointment of observers by political parties supporting candidates in an election, or by any group or five or more candidates. Maras argued in a lawsuit that the different requirement for candidates not affiliated with a political party violated equal protection rights. She also requested an order compelling Secretary of State Frank LaRose to provide observers with copies of software, source code and hardware installed on automatic vote tabulating machines. The unsigned opinion was joined by Chief Justice Maureen O'Connor and Justices Michael Donnelly, Melody Stewart and Jennifer Brunner. Justices Sharon Kennedy, Patrick Fischer and Patrick DeWine concurred in judgment only.

ELECTIONS 2022

Republican U.S. Senate nominee J.D. Vance reported to the Federal Elections Commission (FEC) that he raised nearly \$2 million in the period covering Oct. 1-19. Thursday, Oct. 27 was the deadline for state and federal candidates to report their pre-General Election fundraising totals. On Thursday, Democrat Tim Ryan had reported about \$8.6 million in contributions.

My School, My Choice Friday announced the release of its voter guide for the upcoming election. The group said its guide was compiled through a candidate survey so My School My Choice followers and supporters could better understand the positions of state legislative candidates regarding school choice issues. The survey was sent to every Ohio candidate for state senator and state representative. The guide can be found at http://www.myschoolmychoice.org/2022voterguide.

Democratic candidates for Ohio Supreme Court participated in the "Faith and Freedom Forum" hosted by the Amos Project, an interfaith member of the Ohio Organizing Collaborative (OOC) that works collectively for "racial and economic justice." Amos Project and OOC did not say whether the three Republican justices had been invited to the candidate forum. Justice Jennifer Brunner, 10th District Judge Terri Jamison and 1st District Judge Marilyn Zayas addressed a series of topics dominated by questions of socioeconomic and racial disparity in Ohio courts.

Ohioans will face 1,572 issues on the November ballot, according to the secretary of state's website. The most common issue before voters are tax levies, with 923 questions. Purposes for the levies include current expenses, police or fire protection, providing for senior services, maintaining cemeteries, roads and bridges, or to avoid an operating deficit.

A recent Ohio Northern University Poll showed Ohio voters concerned with a toxic political environment and critical of the Electoral College. The poll, conducted by the university's Institute of Civics and Public Policy (ICAPP), asked voters about the



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upcoming election and other issues. It showed Democratic U.S. Senate candidate Tim Ryan leading Republican J.D. Vance 43 percent to 41 percent. Respondents believe average people are afraid to talk about politics (70 percent), relationships have been strained (65 percent) because of it, and 78 percent believe it is as toxic as it has ever been in their lifetimes. Democrats and Republicans agree that the United States has been weakened on the world stage because of the political environment (77 percent), 82 percent are worried about America's future because of this environment and 71 percent are worried it will lead to increased violence.

Both of Ohio's U.S. Senate candidates denounced the recent violent assault on the husband of U.S. House Speaker Nancy Pelosi (D-CA), but did so for different reasons. That issue was one of several discussed by Democratic candidate Tim Ryan and Republican candidate J.D. Vance during a Columbus town hall moderated by Fox News hosts Bret Baier and Martha MacCallum. The candidates were asked questions by the moderators and audience members during the event, with Ryan going first and Vance going second.

While speaking at a City Club of Cleveland forum Tuesday, U.S. Rep. Liz Cheney (R-WY) said she would vote for Democrat Tim Ryan for Ohio's open U.S. Senate seat over Republican J.D. Vance, who has questioned the validity of the results of the 2020 presidential election. Cheney, who is the daughter of former Vice President Dick Cheney, has been a vocal critic of former President Donald Trump and serves as the vice chair of the House Select Committee to Investigate Jan. 6.

Ohio Secretary of State Frank LaRose announced Tuesday that requests for early inperson and absentee ballots now total 1,243,505, a 2.6 percent increase over the same point in the 2018 gubernatorial statewide election. As a part of that total, 265,062 Ohioans have voted early in-person, and 978,443 have requested an absentee ballot by mail. Among Ohioans who requested to vote absentee, 56.5 percent have already returned their ballot, an increase from 53.9 percent at the same point in the last gubernatorial election. Overall, 817,644 Ohioans have already cast their ballot, up from 736,464 in 2018. A breakdown by county can be found online at https://tinyurl.com/4tyxjbbu.

A number of current members of the General Assembly seek to continue their political careers on the local level during Tuesday's elections. One particular race will see two current members of the General Assembly face off against each other in Hamilton County: Reps. Brigid Kelly (D-Cincinnati) and Tom Brinkman (R-Cincinnati) are running for Hamilton County auditor, seeking to take over for long-time Auditor Dusty Rhodes, who is retiring. Brinkman is term-limited, while Kelly had one more term but declined to run for re-election in order to run for auditor. Two other representatives are also seeking county commissioner seats. Rep. Nino Vitale (R-Urbana), who is term-limited, is running for Champaign County commissioner. Rep. Lisa Sobecki (D-Toledo)



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is running for Lucas County commissioner, though she still has two terms remaining in the Ohio House.

With control of the Ohio Supreme Court at stake and decisions on issues such as redistricting looming, television ad spending by candidates and outside groups has reached nearly \$1 million, according to an analysis by the Brennan Center for Justice. As of Monday, Oct. 31, the Brennan Center estimates \$933,590 in spending on ads. The most has come from Ohioans for Justice & Integrity, a left-leaning "super PAC," which has spent \$173,700, followed by the Republican State Leadership Committee Judicial Fairness Initiative, which has spent \$159,780. Ohioans for a Healthy Economy, a group with ties to the Ohio Chamber of Commerce, has spent \$170,780. Forward Justice, a left-leaning group, has spent \$125,800. Justice Pat DeWine has led spending among the candidates so far with \$132,840, according to the center. Still, the Brennan Center notes that state judicial election spending often picks up significantly in the final weeks and groups can delay reporting what they are spending.

Democratic attorney general candidate Jeff Crossman discussed gerrymandering, corruption, capital punishment and the breadth of other issues that can be addressed by the attorney general's office during a City Club of Cleveland virtual forum Wednesday. City Club conducted the interview with Crossman, a state representative from Parma, after Attorney General Dave Yost declined the organization's invitation for a debate between the two, a common approach for Republican incumbents this cycle. "It was a surprise to me. Dave Yost has always said yes to invitations to debate, but this is a weird year," said City Club CEO Dan Moulthrop, who interviewed Crossman.

Secretary of State Frank LaRose said Wednesday that 40,374 Ohioans have signed up to serve as a poll worker, exceeding his statewide goal of 35,653 by 13 percent. LaRose had set the goal at 115 percent of the minimum number of poll workers necessary to execute a successful election on Tuesday. Still, he said, there are some counties short of their designated number.

Republican statewide candidates kicked off a bus tour across Ohio Thursday with a stop in Columbus, tying economic challenges like inflation and gas price spikes to Democratic policies out of Washington, D.C. and touting in particular the stakes in the U.S. Senate and Ohio Supreme Court races. The big red bus emblazoned with the candidates' names stopped for candidates to speak at the Boat House near downtown Columbus before starting a two-day swing to visit Zanesville, Hanoverton, Brecksville, Independence, Toledo, Lima, Dayton and Cincinnati.

Conservation Ohio announced that it is launching a voter mobilization campaign that will spend "six figures" to turn out voters in support of Jennifer Brunner, Marilyn Zayas, and Terri Jamison for Ohio Supreme Court. The program will reach hundreds of thousands of



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voters across Franklin, Cuyahoga and Summit counties through the mail, radio and online, the group said.

The Ohio Elections Commission Thursday found Rep. David Leland's (D-Columbus) campaign committed an election law violation when it had two open campaign committees at the same time but did not levy a fine against him. The complaint was referred to the commission by the secretary of state's office, which said Leland had an open campaign fund for state representative as well as a separate campaign fund for judge of the 10th District Court of Appeals, an office Leland is running unopposed for on the Tuesday, Nov. 8 ballot. Brian Katz, the director of campaign finance for the secretary of state, told the commission that the Ohio Revised Code is clear that each candidate should have no more than one open campaign committee at the same time. He said that while there are judicial canons regarding running for a judgeship in the state, there are different ways that a candidate can transition their committee from a legislative campaign to a judicial campaign without operating two committees in violation of Ohio law.

The following endorsements were made over the week:

- The *Columbus Dispatch* endorsed Tim Ryan for U.S. Senate.
- The *Plain Dealer* endorsed Mike DeWine for governor, Dave Yost for attorney general, Chelsea Clark for secretary of state, and Keith Faber for state auditor.
- The Akron Beacon Journal endorsed Emilia Sykes for Congress.
- The *Toledo Blade* endorsed Mike DeWine for governor.

ENERGY/UTILITIES

Residential consumers of Columbia Gas of Ohio would pay 95 percent of the \$68.2 million proposed rate hike agreed to by the Ohio Manufacturers' Association (OMA) and Ohio Consumers' Counsel (OCC) late Monday while saving another \$143.8 million in increased charges waived by the company under a settlement with Public Utilities Commission of Ohio (PUCO) staff. The settlement had been scheduled for a hearing Tuesday and still requires commission approval but boasts a large group of signatories including Industrial Energy Users (IEU) Ohio, Ohio Schools Council (OSC), Interstate Gas Supply (IGS), Northeast Ohio Public Energy Council (NOPEC), Retail Energy Supply Association (RESA) and The Kroger Co., as well as OCC and OMA Energy Group. Columbia, which serves 1.4 million consumers in 60 Ohio counties, will forgo \$102 million plus interest it had hoped to charge regular customers as of Jan. 1, 2023 for demand-side management (DSM), along with another \$10 million in so-called shared savings. Low-income customers will be assisted by \$15 million collected from all



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ratepayers -- unchanged from 2022 -- "meaning there will be no inflationary increases or other increases in what consumers are charged for WarmChoice," PUCO said in Monday's agreement.

GAMING/GAMBLING

The Ohio Casino Control Commission (OCCC) awarded several more licenses to sports gaming proprietors, mobile management services providers, management services providers, suppliers and type C hosts on Wednesday as the state approaches its final deadlines ahead of the universal start date on Sunday, Jan. 1, 2023. Wednesday was the deadline for applicants to submit their final responsible gaming plans, required procedures, house rules, facility plans, geolocation procedures, equipment test reports and remote surveillance if the business plans to launch by the universal start date. Additionally, all standard employee applications were due on Wednesday to ensure those employees are considered in time for Jan. 1.

GENERAL ASSEMBLY/STATEHOUSE

Families of people with disabilities aired concerns before lawmakers Tuesday about Disability Rights Ohio's (DRO) conduct treading on parental rights and disregarding individual care needs while the advocacy organization itself and other witnesses said DRO fills a key role in advocating for people with disabilities and that its autonomy must be safeguarded. DRO is designated under federal law to advocate for people with disabilities. It fulfills the role of a Protection and Advocacy System (P&A) and Client Assistance Program (CAP), which must operate in order for Ohio to receive certain federal funds for disability and mental health services. The nonprofit DRO was created about a decade ago to assume these functions from Ohio Legal Rights Service, a state agency, in the name of achieving more independence from state government. The budget bill, HB110 (Oelslager), created the Joint Committee to Examine the Activities of the State's Protection and Advocacy System and Client Assistance Program. The creation of the committee stemmed from some families' complaints about DRO's practice of meeting with people who have disabilities and are in congregate care settings to discuss homeand community-based placements without their parents or guardians present.

GREAT LAKES

Out of 151 photographs submitted by amateur photographers, 10 were recognized as judges' favorites in the annual "Life on Lake Erie" photo contest. Each of the winning photographers were recognized during a recent meeting of the Ohio Lake Erie Commission (OLEC). This year's photos feature the variety of places and life that reflect Ohio's Lake Erie. The winning photos can be found at the OLEC website at



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<u>www.lakeerie.ohio.gov</u> . They will also be able to be viewed at the Riffe Gallery Lobby in Columbus from Nov. 15, 2022, through Jan. 6, 2023.

GUNS

A 2018 state law preempting local government gun regulations likely violates home rule provisions of the Ohio Constitution, a judge wrote Thursday in issuing a preliminary injunction against the law. In 132-HB228 (Johnson), lawmakers created a state law preemption of "further license, permission, restriction, delay or process" that would interfere with the "fundamental individual right" to have and carry firearms. It also enabled civil litigation against local gun restrictions. Former Gov. John Kasich vetoed the bill but was overridden. Judge Stephen McIntosh of the Franklin County Common Pleas Court issued the injunction not long after Columbus City Attorney Zach Klein had sued him to compel action in the case, which has been lingering for more than three years. Columbus filed suit over the law in 2019.

HEALTH AND HUMAN SERVICES

The Ohio Physicians Health Program (OhioPHP) will receive \$500,000 from the Ohio Medical Quality Foundation (OMQF) for calendar year 2023, the OMQF Board of Trustees decided on Thursday. OhioPHP is the sole monitoring organization responsible for administering the "One-Bite Program," which allows Ohio health care practitioners to confidentially receive treatment for substance abuse while avoiding formal disciplinary action from the State Medical Board of Ohio (SMBO). OhioPHP is also the sole organization responsible for determining whether a practitioner is eligible to participate in the program, according to OhioPHP's website. The state's current One-Bite Program was established in 132-HB145 (S. Huffman-Sprague). OMQF last provided OhioPHP with a three-year grant worth \$1.5 million, or \$500,000 per year, according to the organization's IRS 990 form.

HIGHER EDUCATION

Bowling Green State University (BGSU) announced Derek van der Merwe as its next director of athletics. Van der Merwe comes to BGSU from the University of Arizona Athletics, where he has served as the associate vice president and chief operations officer since 2018. He has worked in higher education for more than 25 years, serving in leadership roles in both athletics and university-wide positions. He has held positions in the PAC-12 Conference, the Ohio Valley Conference and the MidAmerican Conference.

Xavier University, located in Cincinnati, announced it has received a \$50 million gift from Harry and Linda Fath, the largest in the university's 191-year history. "Harry and Linda's remarkable gift will transform Xavier University as we approach our third



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century of providing life changing experiences, one student at a time. This contribution will significantly benefit our endowment, enhancing our ability to make a Xavier education possible for generations to come," said Xavier University President Colleen Hanycz.

HOUSING/HOMELESSNESS/URBAN REVITALIZATION

The DeWine administration announced grant awards Friday for the redevelopment of several hundred dilapidated properties in 30 counties via a budget-funded program. In total, \$37.2 million is being distributed to county land reutilization corporations for 825 projects through the Ohio Building Demolition and Site Revitalization Program, a creation of HB110 (Oelslager) administered by the Ohio Department of Development (DOD). DOD initially awarded funding up to \$500,000 for 87 counties this summer, and an additional \$22.6 million is being awarded to counties that requested more.

INTEL

The Ohio Tax Credit Authority (TCA) Monday approved assistance for Honda's electric vehicle (EV) project and two other projects, while also updating the percentage rate for Intel's assistance from 3.101 percent to 3.99 percent. The term for Intel's assistance remains 30 years, and the estimated value has increased from \$475 million to \$557.8 million, according to the Ohio Department of Development (DOD). The plan to update the rate had been announced by DOD after the September TCA meeting when the lower rate had been incorrectly approved.

JUDICIAL

Franklin County and its two law schools led the state in the latest results from the Ohio State Bar Exam. First-place Ohio State University contributed 124 successful test-takers and third-place Capital University, 83 aspiring lawyers out of 698 individuals who passed the exam in July. Of them, 147 were from Franklin County. The passage rate for 847 first-time candidates was 80 percent and for 970 total test-takers, 72 percent.

The Supreme Court of Ohio Commission on Continuing Legal Education sanctioned 191 attorneys for failing to comply with required continuing legal education (CLE). Attorneys need to stay informed on changes in laws, legal technology, and developments in their practice area to provide the best service to clients and as such, have continuing education requirements they must meet. A total of six attorneys will be suspended from the practice of law. Four of those are recommended for suspension for repeat noncompliance. The other two are being suspended for failure to complete the New Lawyers Training requirement. The remaining 185 attorneys will have a monetary sanction imposed.



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Suspended attorneys can return to the practice of law by making up their CLE deficiency and applying for reinstatement.

A reluctant Supreme Court of Ohio said Thursday the statute of limitations does not allow the state to indict and convict a man linked by a private genealogy service to the kidnapping, rape and attempted murder of a teenage woman and a "similar crime" three decades prior. Ohio's Bureau of Criminal Investigation and Identification (BCII) took up the 1993 cold case involving Ralph Bortree, now 58, and Anita Clark, 19 at the time of her abduction, in 2014 after a Logan County investigator sent the attorney general Clark's shirt for DNA analysis. BCII at first produced no new leads but a year later matched her clothing to an unidentified man in the FBI Combined DNA Index System (CODIS) database. Meanwhile, the genealogy service was able to link his genetic information to a known family tree, which eventually produced an exact DNA match with Bortree.

MARIJUANA/HEMP

The Ohio Traffic Safety Council (OTSC) met Wednesday, hearing a presentation from Law Enforcement Initiative Project Coordinator Erin Reed on the use of oral fluid testing in Ohio to stop drug-impaired drivers. She also discussed how rates of drug-impaired driving compare to drunk driving. Reed said there is a "significant problem" of fatal crashes' involving impaired driving and highlighted data that underscored her point. There were 1,244 fatal crashes in 2021, up from 1,154 in 2020 and 1,041 in 2019. That included 652 which were OVI-related in 2021, up from 637 in 2020 and 529 in 2019. The rate of drug usage in fatal crashes for 2021 was 36.7 percent compared to 32.4 percent for alcohol usage. Previous rates were 38.3 percent for drugs and 33.2 percent for alcohol in 2020, and 35.4 percent for drugs and 31.7 percent for alcohol in 2019. Cannabinoids were the most prevalent type of drug in 2021, at 292, followed by amphetamines, 104; opiates and opioids, 90; "other," 80; cocaine, 70; benzodiazepines, 53; and barbiturates, three.

NATURAL RESOURCES

Moxley Wildlife Area has expanded by 99 acres thanks to a donation from Ducks Unlimited, according to the Ohio Department of Natural Resources (ODNR) Division of Wildlife. The valuable wetland habitat in Erie County is known as "Dinky Marsh," and increases the existing public wetland complex along Sandusky Bay, ODNR said. The new parcel lies just west of Moxley Wildlife Area between State Route 2 and Barrett Road. The land is comprised of hemi-marsh, roughly equal parts emergent vegetation and water.

PEOPLE



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U.S. Rep. Brad Wenstrup's (R-Cincinnati) niece Anne Marie Gieske was among the more than 150 people killed in Seoul, South Korea, on Saturday during a deadly Halloween stampede. According to media reports, the tragedy occurred after a crowd surge in a narrow alley. Fox News reported Gieske, a University of Kentucky student, was one of two American college students killed. She had been studying through an education abroad program for the semester.

The Ohio Department of Mental Health and Addiction Services announced that the longtime president and CEO of the Hamilton County Mental Health and Recovery Services, Patrick Tribbe, passed away on Sunday, Oct. 23, after a brief illness. He was 73. Tribbe spent nearly 50 years working in the mental health and addiction fields. He began his career in the nonprofit arena before being named CEO of the Hamilton County Mental Health Board in 1997. In that role he oversaw the agency's merger with the Alcohol and Drug Addiction Services Board, which formed the agency he led until his death. He is survived by his daughter Jessica.

The County Commissioners Association of Ohio (CCAO) announced Tuesday that Kyle Petty had been named managing director of policy, after previously serving as CCAO legislative counsel. He is responsible for coordinating policy matters for its 282 elected officials and hundreds of affiliate county members. CCAO Communications Coordinator Jessica Newbacher told *Hannah News* this will be a new position and that CCAO's External Affairs Manager Adam Schwiebert will depart that role on Friday, Nov. 18.

PUBLIC SAFETY

Well over a third of \$22.6 million in new Ohio Traffic Safety Office (OTSO) awards funded by the Biden administration and announced by the governor's office are slated for the Ohio State Highway Patrol (OSHP). OTSO is providing roughly 180 grants to more than 140 state and local law enforcement agencies in 68 counties to reduce vehicle crashes and traffic fatalities due to impaired driving, unused seat belts, distracted driving, youthful driving, and motorcycling. Funding includes 10 separate awards to OSHP and two to the Ohio Department of Health (ODH), the state's second biggest traffic safety grantee with \$816,243.

Throughout the month of November, the OSHP is conducting an online survey to identify traffic safety concerns and obtain feedback about interactions with the agency. The 2022 Public Survey is anonymous and takes approximately five minutes to complete. The survey is designed to be used as a platform for organizational learning, asking specific questions related to traffic safety issues and previous interactions with OSHP employees. The survey is created in accordance with standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA). OSHP is committed to providing professional law enforcement services focused on deterring crime and promoting traffic safety to



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improve the quality of life for the citizens and visitors of Ohio. To do that, they encourage the public to take the survey by going online to https://www.surveymonkey.com/r/2022SurveyOSHP.

Ohio's Office of Criminal Justice Services (OCJS) announced that five more law enforcement agencies have met minimum standards promulgated by the Ohio Collaborative Community-Police Advisory Board. Police in East Canton (Stark County), Independence (Cuyahoga County), Poland Township (Mahoning County), Racine (Meigs County) and Van Wert (Van Wert) are now certified for use of force, including deadly force, and agency recruitment and hiring. That makes for 587 fully certified agencies and three in the certification process, says OCJS, housed within the Ohio Department of Public Safety (DPS).

The Ohio Peace Officer Training Academy (OPOTA) announced \$280,000 in federal funding Thursday for law enforcement training to identify impaired drivers and investigate traffic collisions. Traffic Safety and Impaired Driving Training Grants will reimburse tuition for Ohio law enforcement officers attending the following OPOTA courses such as Advanced Roadside Impaired Driving Enforcement (ARIDE), Standardized Field Sobriety Testing Instructor and Advanced Traffic Collision Investigation.

RACES TO WATCH

After a difficult primary, incumbent Democratic Rep. Bride Rose Sweeney (Cleveland) is facing off against Republican Michael Lamb for Ohio House District 16. Sweeney, who is in her second term, faced freshman Rep. Monique Smith (D-Fairview Park) in the only Ohio House primary with two incumbents pitted against each other. The two were drawn together in redistricting. While the redrawn Ohio House District 16 bears little resemblance to Sweeney's previous district, she won the primary with 56 percent of the vote. Lamb did not face a primary challenger. Sweeney, who is the daughter of former Rep. Martin Sweeney, touted her record of passing bipartisan legislation. Looking toward what will likely be a busy lame duck session, Sweeney highlighted two bills she hopes to see pass. Her HB68 (Cross-Sweeney) requires private construction projects to make timely payments to contractors, and her HB163 (Cutrona-Sweeney) which prohibits hospitals from requiring nurses to work overtime that wasn't pre-planned. Lamb, a resident of Westlake, spent 25 years as a police officer, first for the city of Cleveland and later in Shaker Heights. He said he also has experience running small businesses. This is Lamb's first run for statewide office, though he has held an elected role in Westlake. While speaking with voters, he said he's heard three major concerns from people: the economy, education, and safety and security.



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Two-term Rep. Phil Plummer (R-Dayton) is hoping a four-point swing for Democrats in his former Republican-leaning district does not result in a redistricting win for his opponent on Nov. 8. Challenger Leronda Jackson, who won her August primary after the state's highest court placed the late filer on the ballot, hopes it does. Like some other redistricted House seats, Plummer's Dayton-area constituency has absorbed more urban areas than the seat he was first elected to in 2018. Jackson has called for cost-of-living "vouchers" administered by the Ohio Department of Job and Family Services (ODJFS) to help families that don't earn a livable wage but make too much for current state assistance, though she hasn't put a price tag on the idea. Plummer says executive agencies are wasteful enough as it is and should be regularly measured for data-driven results -- one of his key targets for revenue reform if reelected to the 135th General Assembly.

Sen. Kristina Roegner (R-Hudson) is hoping to hang on to her seat against Dr. Patricia Goetz, who is eyeing a pickup for Democrats in the reconfigured 27th Senate District. While the district has leaned Republican over the last decade, the newly-drawn district has a slight Democratic lean. Despite the change in the electorate, Roegner said her campaign strategy remains mostly the same as past elections. Roegner served in the House for eight years before moving to the Senate, taking over Frank LaRose's seat after he was elected secretary of state. Roegner said the top issues on the campaign trail have been gas prices, food prices, supply chain bottlenecks, worker shortages, abortion and guns. She noted that the top issues differ based on where she is in the district. Goetz -- a child, adolescent and adult psychiatrist -- said she's running for a number of reasons, focusing on issues such as education, health care, reproductive rights, economic opportunity, public safety, criminal justice reform and the environment. Goetz said she recently ran for Hudson City Council and lost by 187 votes out of 20,000 ballots cast, so she is hoping to come out on the winning side of a tight race this time around.

The 13th Senate District remains a key swing district in the reconfigured state legislative map, with Sen. Nathan Manning (R-North Ridgeville) hoping to hold off a challenge from Democrat Anthony Eliopoulos. Manning's current district includes all of Lorain and Huron counties. The new district still includes all of Lorain County, but now has parts of Erie and Huron counties. In an interview with *Hannah News*, Manning said he's been working hard to introduce himself to voters in Erie County during the campaign. Manning said he's enjoyed chairing the Senate Judiciary Committee, working on policies that are important to lawyers and courts across the state. Manning, an attorney, currently owns the law firm Manning & Manning with his sister, Allison. He said criminal justice reform measure SB288 (Manning) has a chance to pass during the lame duck session, noting he recently met with Rep. Bill Seitz (R-Cincinnati) on potential changes. Eliopoulos, a first lieutenant in the Ohio Army National Guard and former veterans and military affairs liaison for U.S. Sen. Sherrod Brown (D-OH), told *Hannah News* that he's running for the seat to help meet the needs of the district's constituents, emphasizing his love of public service. He said he likes to ask voters what they want from a state senator,



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and what issues are most important to them. The issues that have come up include infrastructure, education and local government funding.

Democrats are hoping to recapture a Mahoning Valley seat they lost in 2018 that on paper should be more advantageous to them this year. Rep. Al Cutrona (R-Canfield) is running for re-election in the 58th House District after serving his first full term in the House. He was appointed to the seat in 2020 to succeed the late Don Manning, who won the seat in 2018, flipping it from red to blue. Cutrona went on to win the General Election that year with nearly 61 percent of the vote. This year he faces Bruce Neff, a Canfield councilman first elected locally in 2017. In 2021, he lost a bid to be Canfield mayor. Cutrona currently serves as the chief operating officer for an infectious disease medical practice that covers three counties in the Mahoning Valley and is also a practicing attorney at the law firm of Amourgis & Associates. Both candidates did not respond to email requests for interviews. In interviews with local media, Cutrona touts his record of passing more bills than any other legislator and bringing more money back to the district.

TRANSPORTATION/INFRASTRUCTURE

The Ohio Turnpike and Infrastructure Commission this week said it has seen an increase in the number of travelers, vehicle miles traveled and E-ZPass use on the Ohio Turnpike through nine months of 2022. According to the commission, the combined number of passenger cars and commercial trucks that traveled on the 241-mile Ohio Turnpike from January through September 2022 was 37,534,377, an increase of 1.5 percent compared to the same nine-month period a year ago. Passenger cars (27,725,141) were up 1.3 percent, and commercial trucks (9,809,236) were up 2 percent.

UNEMPLOYMENT COMPENSATION

The state of Ohio is near the middle of the pack when it comes to new weekly unemployment claims, according to financial advisory website WalletHub. Ohio ranked 23rd in states where jobless claims decreased the most week-over-week, with "1" being the best and "51" being the worst. Kentucky ranked 1, while Oregon ranked 51. West Virginia was 6, Michigan was 22, Pennsylvania was 27 and Indiana was 47. Ohio ranked 33rd in jobless claims per 100,000 people in the labor force, with "1" having the fewest claims and "51" having the most claims. Virginia ranked 1, while Alaska ranked 51. Kentucky was 9, West Virginia was 21, Indiana was 34, Michigan was 36 and Pennsylvania was 41.

VETERANS

The DeWine administration Tuesday recognized November as "Hire-a-Veteran Month," encouraging Ohio employers to consider the skills and abilities of veterans while seeking



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new employees this month and whenever they have open positions. Gov. Mike DeWine and Lt. Gov. Jon Husted were joined by Ohio Department of Veterans Services (ODVS) Director Deborah Ashenhurst and Ohio Department of Job and Family Services (ODJFS) Director Matt Damschroder in highlighting the month.

WORKERS' COMPENSATION

While the Ohio Bureau of Workers' Compensation's (BWC) net position has fallen from \$9.2 billion in September 2021 to \$6.3 billion in September 2022, the State Insurance Fund is still near the top of the BWC Board's simple funding ratio "safe range," according to BWC Chief Financial Officer (CFO) Kevin Giangola. After Friday's BWC Board meeting, Giangola told reporters that market losses were the cause of the year-over-year decrease. "We're like any other institutional investor. We're experiencing the same market influences that everyone else does. I think ours are probably more moderated because we have to take less risk than some of the other institutional investors, like a pension fund might. But we're experiencing the things that are happening in the market," he said. However, Giangola said the BWC's position is strong because of its healthy simple funding ratio.

The Bureau of Worker's Compensation (BWC) recently announced that its chief of claims services, Shawn Crosby, had received the award for Industry Leader at the 2022 'Comp Laude' Awards and Gala, an annual event hosted by WorkCompCentral.

The Ohio State University (OSU) Wexner Medical Center received a \$1.5 million workforce safety innovation grant from the Ohio Bureau of Workers' Compensation (BWC). BWC's Workforce Safety Innovation Center (WSIC) provided the grant for the research and development of new personal protective equipment (PPE) and personal protective technology (PPT) for Ohio workers employed in various fields including first responders, manufacturing, agriculture and other sectors requiring additional protection while on the job, according to BWC.

WORKFORCE

Lt. Gov. Jon Husted announced results of September's TechCred round Thursday, while November application periods for that program and the Individual Microcredential Assistance Program (IMAP) have opened and will run through Wednesday, Nov. 30 at 3 p.m. The 16th round in September saw 348 employers approved for funding that will help 4,135 Ohioans earn tech-focused credentials. Manufacturing had the most applicants among industry types. In total, 2,066 employers have been approved for funding to support 52,767 credentials.



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