the Hannah report

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Comprehensive Coverage of Ohio Government

Terrorism Awareness, Prevention Program Available

Will Ohioans be better at recognizing and responding to terrorism? If the information developed by the Ohio Office of Criminal Justice Services (OCJS), informs and educates citizens to work closely with first responders, then the answer is a resounding yes.

OCJS Director Domingo Herraiz said the easy-to-use kit, complete with a CD and trainer handouts; a video for those without computers; and an instructor's manual, will be provided free to law enforcement first responders in each of the state's 940 law enforcement agencies. Designed for presentation to citizen groups by law enforcement and first responders, the 40-minute training will:

• Provide residents with critical information on terrorist goals and threats;

• Demonstrate how residents may better protect themselves through safety and security planning;

• Build partnerships with residents, law enforcement, first responders and community service providers; and

• Identify ways Ohioans can actively participate in creating safer neighborhoods and communities.

Herraiz and Ohio Department of Public Safety Director Kenneth Morckel credited Summit County Sheriff Drew Alexander for leading the charge on this project. The presenters stressed that the goal was to "train as many citizens as possible as quickly as possible, and, in the process, to dispel the myths and stereotypes that erroneously peg someone as a terrorist because of their skin color, dress, race, or religion." In fact, according to Alexander, this kit was test marketed with Muslim groups and was given a positive endorsement by them.

The program was funded through a $200,000 grant from the Edward Burn Memorial Fund. To preview the Ohio Terrorism Awareness and Prevention program (TAP), visit www.Ohio.gov/homelandsecurity.

Public School Employees File Suit Against SERS

The Ohio Association of Public School Employees (OAPSE/AFSCME Local 4, AFL-CIO (OAPSE) announced Wednesday that the 37,000-member state-wide labor union has filed a lawsuit in the Franklin County Court of Common Pleas on behalf of 93,000 active school employees and more than 50,000 retired benefit recipients, against the School Employees Retirement System of Ohio (SERS).

The complaint charges SERS with breaching its fiduciary responsibilities and contractual obligations to OAPSE members and current and retired school employees. The lawsuit seeks a permanent injunction against the changes in health care coverage adopted last week by the SERS board.

"By their action last week, the SERS board has fundamentally and structurally undermined the health care coverage for thousands of current and future Ohio retirees," said OAPSE Executive Director Joseph P. Rugola.

"The retirees dedicated their lives to the children of Ohio's schools and worked to build a safe and secure future for themselves and their loved ones. In one drastic and premature vote, SERS has broken a sacred contract between the retirees and their health benefit coverage which will leave most, if not all, in the desperate situation of having to choose between sky-rocketing, out-of-pocket expenses for health care or providing food, housing and other basic needs to survive," Rugola said.

According to OAPSE, the changes in the health care plan are too much, too soon and unnecessary at this time. While the union acknowledges the strain all public retirement systems are under, the poor decision-making, flawed projections, and lavish spending on new facilities, bonuses, salaries and overall waste, point to a system that has not made its retirees the focus of their primary concern. Effective January 1, 2004, the changes shift nearly $72 million in health care costs directly on to the retired school employees and their eligible dependents.

In the complaint, OAPSE petitions the court to declare that the actions of SERS at its July 16, 2003 meeting, with respect to health care benefits for its current and future participants and beneficiaries, were contrary to law and are, therefore, void and unenforceable.

OAPSE further alleges that SERS made clear and unambiguous promises to SERS members that premium amounts for health care coverage would not change. Many retirees made serious personal, family, financial and quality-of-life decisions based on these long-time promises from SERS.

Cooey Execution on Hold; Supreme Court Rules on Other Cases

At nearly the last minute, the U.S. District Court Wednesday night stayed the execution of Richard Cooey, set for 10 a.m. Thursday, pending further review of the case. However, should all appeals be exhausted during the day on Thursday, Cooey could still be executed before his death warrant expires at midnight.

In other death penalty cases, the Ohio Supreme Court scheduled the execution of Carl Lindsey for Monday, October 20. He was convicted of robbing and murdering a Mount Orb man in 1997. Lindsey joins five others besides Cooey who have had execution dates set.

The Court, however, also stayed the execution of Michael R. Turner, pending his appeal.

Natural Gas Prices Headed Up

Natural gas prices are going up this winter, according to PUCO Commissioner Donald L. Mason. He made the comments at a recent meeting of the Fuel Source Advisory Council, which meets to hear projections for energy usage by state and regional agencies.

Mason said that "The focus on natural gas is good, but not because of rising prices." He said Ohio has experienced a two percent drop in industrial use of natural gas with factors such as the recession and fuel switching by industry contributing to the fall off in demand for natural gas. Mason said "price uncertainty" has hampered drilling, and that infill drilling is not bringing enough reserves to the market; he also said that the inability to access more federal lands and offshore drilling areas has contributed to the current historic low availability of this "fungible commodity."

Mason said he does not support drilling in wilderness areas.

One result of the rise in natural gas pricing, according to Mason, will be that petroleum will become price competitive. Mason said that natural gas is used by 26 percent of residential heating customers, and that natural gas represents 20 percent of the total demand package.

Commission Calls for 'Transformation' of Mental Health System

Commenting that "Incremental reform is no longer an option," New Freedom Commission on Mental Health Chair Michael Hogan presented the group's final report to President Bush Tuesday. Hogan, who is also the director of the Ohio Department of Mental Health, continued, "A whole array of changes need to occur in a coordinated effort over time to improve the nation's mental health system."

The report, entitled "Achieving the Promise: Transforming Mental Health Care in America," builds on research, expert testimony and input from over 2,300 consumers, family members, service providers and others. The report concludes that "traditional reform measures are not enough..." Instead, it recommends a wholesale transformation that involves consumers and providers, policymakers at all levels of government, and both the public and private sectors.

Hogan added, "The time has long passed for yet another piecemeal approach to mental health reform. For too many Americans with mental illnesses, mental health services and supports they need are disconnected and often inadequate. The commission has found that the time has come for a fundamental transformation of the nation's approach to mental health care. This report provides the president with a roadmap for that transformation. The destination is recovery. We ask consumers, family members, service providers, other members of the mental health community and all Americans - to join us on that journey."

The commission found that the current system unintentionally focuses on managing the disabilities associated with mental illness rather than promoting recovery, and that this limited approach is due to fragmentation, gaps in care, and uneven quality. These systems problems frustrate the work of many dedicated staff, and make it much harder for people with mental illness and their families to access needed care. Instead, the commission recommends a focus on promoting recovery and building resilience -- the ability to withstand stresses and life challenges.

The approach recommended by the commission moves toward full community participation for children and youth, adults, and older Americans with mental illnesses -- instead of school failure, institutionalization, long-term disability, and homelessness. The commission outlined six goals with a series of specific recommendations for federal agencies, states, communities, and providers nationwide. Working through both the public and private sectors, the recommendations would achieve the needed transformation in care, and put limited resources to their best use, the report maintains.

The goals the commission articulates underscore the urgency and magnitude of the changes it proposes. The commission believes that Americans must come to understand that mental health is integral to their overall health, and recommends that mental illnesses be addressed with the same urgency as other medical problems. The stigma attached to mental illness, which discourages people from seeking care, must be eliminated.

The commission finds that transforming mental health care demands a shift toward consumer and family-driven services. Consumers' needs and preferences, not bureaucratic requirements, must drive the services they receive. To achieve that goal, the commission recommends changes in federal programs, upgraded state responsibility for planning effective services, and placing consumers and their families at the center of service decisions.

Members of minority groups and people in rural areas, the commission finds, have worse access to care, and often receive services that are not responsive to their needs. As a result, the burden of mental illness is heavier for these individuals. The commission urges a commitment to services that are "culturally competent" -- acceptable to and effective for people of varied backgrounds.

The commission's review finds that too often, mental illness is detected late not early, and that as a result, services frequently focus on living with disability, not the better outcomes associated with effective early intervention. Therefore, the commission recommends a shift in care, moving toward a model that emphasizes early intervention and disability prevention. As the panel notes, "early detection, assessment, and linkage with treatment and supports can prevent mental health problems from compounding and poor life outcomes from accumulating...."

Achieving this goal will require greater engagement and education of first line health care providers -- primary care practitioners -- and a greater focus on mental health care in institutions such as schools, child welfare programs, and the criminal and juvenile justice systems. The goal is integrated care that can screen, identify, and respond to problems early.

The commission also notes that a majority of adults -- even those with the most serious mental illness -- want to work, but are held back by poor access to effective job supports, incentives to remain on disability status, and employment discrimination.

The commission finds that effective services and supports validated by research find their way into practice too slowly. It calls for a more effective process to make "evidence-based practices" the bedrock of service delivery. This will require that payers of mental health care reimburse such practices, that universities and professional groups support training and continuing education in research-validated interventions. Acknowledging significant progress in research on mental illnesses, the panel urges the elimination of the 15-20 year lag between the discovery of effective treatments and their wide use in routine patient care. It highlights the need for accelerated and relevant research to promote recovery and, ultimately, to cure and prevent mental illnesses.

The commission recommends that the mental health system move more effectively to harness the power of communications and computer technology to improve access to information and to care, and to improve quality and accountability. With strong protections for privacy, these technologies can improve care in rural areas, help prevent medical errors, and reduce paperwork.

Throughout the report, the commission identifies private and public-sector model programs that provide examples of how aspects of mental health care have been transformed in selected communities.

With the presentation of this report, the commission has completed its assignment. Its findings, goals and recommendations are designed to be assessed and carried forward not only by federal agencies and offices, but also by states and communities, and public and private providers, nationwide.

Toward that end, U.S. Department of Health and Human Services Secretary Tommy Thompson pledged that his department "will conduct a thorough review and assessment of the report with the goal of implementing appropriate steps to strengthen our mental health system."

The President's New Freedom Commission on Mental Health was established by Executive Order 13263 on April 29, 2002. The commission's work has been part of the president's initiative, called the New Freedom Initiative, to eliminate inequality for Americans with disabilities.

Additional information about the commission and both its interim and final reports are available on the Internet at www.MentalHealthCommission.gov. Print copies of the commission's final report can be obtained by calling the Substance Abuse and Mental Health Services Administration's National Mental Health Information Center at 1-800-662-4357 or 1-800-228-0427 (TTD).

The following highlights the six goals identified by the commission plus the specific steps toward implementing those goals:

Goal 1: Americans understand that mental health is essential to overall health

- Advance and implement a national campaign to reduce the stigma of seeking care and a national strategy for suicide prevention.
- Address mental health with the same urgency as physical health.

Goal 2: Mental health care is consumer and family driven

- Develop an individualized plan of care for every adult with serious mental illness and child with serious emotional disturbance.
- Involve consumers and families fully in orienting the mental health system toward recovery.
- Align relevant federal programs to improve access and accountability for mental health services.
- Create a comprehensive state mental health plan.
- Protect and enhance the rights of people with mental illnesses.

Goal 3: Disparities in mental health services are eliminated

- Improve access to quality care that is culturally competent.
- Improve access to quality care in rural and geographically remote areas.

Goal 4: Early mental health screening, assessment and referral services are common practice.

- Promote the mental health of young children.
- Improve and expand school mental health programs.
- Screen for co-occurring mental and substance abuse disorders and link with integrated treatment strategies.
- Screen for mental disorders in primary health care, across the life span, and connect to treatment and supports. (article continues)

Goal 5: Excellent mental health care is delivered and research is accelerated

- Accelerate research to promote recovery and resilience, ultimately to cure and prevent mental illness.
- Advance evidence-based practices using dissemination and demonstration projects and create a public-private partnership to guide their implementation.
- Improve and expand the workforce providing evidence-based mental health services and supports.
- Develop the knowledge base in four understudied areas: mental health disparities, long-term effects of medications, trauma, and acute care.

Goal 6: Technology is used to access mental health care and information

- Use health technology and telehealth to improve access and coordination of mental health care, especially for Americans in remote areas or in underserved populations.
- Develop and implement integrated electronic health record and personal health information systems.

NCSL: States Balance Budgets Without Broad Tax Hikes

The states that have balanced their budgets amid this fiscal crisis -- the worst in decades -- have done so largely without relying heavily on broad tax hikes, according to the National Conference of State Legislatures' (NCSL) latest fiscal report, "State Budget and Tax Actions 2003." Forty-three of the 49 states required to balance their budgets have completed the process, and they've turned first to their reserves, specific fee increases and cost-cutting measures, the report shows.

The 2003 net increase in taxes at this point, with 42 states reporting, is 1.3 percent of 2002 tax collections. That number may change as more states balance their budgets. But this is only the second time in nine years states have had to bump taxes up. From 1995 to 2001, states lowered taxes every year, as much as two percent.

Ohio, however, joined 17 states that raised taxes by more than one percent. In fact, Delaware, New York, Ohio and Idaho raised taxes by more than five percent. The sales tax and gasoline tax hikes account for a large part of that increase. "Twenty-four states took no significant tax actions."

"After three daunting years of financial crisis, state legislators should be lauded for resolving some of the most formidable budget problems seen in decades," said NCSL President Angela Monson, a Oklahoma state Senator.

As states tapped reserves to help balance budgets, aggregate budget reserves have fallen. They dropped 48 percent over the past fiscal year, from $22.4 billion at the end of FY02 to $11.6 billion at the end of FY03. The aggregate balance combines states' general fund ending balance with their rainy day funds.

The states may finally be turning the corner, though, after quarter upon quarter of impending gloom. State fiscal officers are predicting that revenues will rebound in FY04. In 2004, general fund ending balances are expected to rise slightly from FY03 levels. No state is predicting a deficit at the end of this fiscal year.

"We are all hopeful that this latest round of actions will get us through the year without having to revise our spending plans," Monson said.

During the past three years, states have had to close a cumulative $200 billion budget gap. In addition to fee and tax increases, to balance FY04 budgets:

- Thirty-one states cut spending. Fourteen of these imposed across-the-board cuts ranging from 1.5 percent to 15 percent. In addition to broad cuts, many also imposed targeted cuts to programs including corrections, Medicaid and higher education.
- Twenty-nine states tapped a variety of state funds.
- Twenty-three states reduced their state workforces or took other actions affecting state employees.
- Thirteen states tapped rainy-day funds. Because some states are trying to maintain their funds at some minimum level, they were reluctant to draw from funds they had already reduced in previous years. (article continues)

- Eleven states delayed capital projects or shifted them from pay-as-you-go projects to debt.
- Eight states used tobacco settlement funds.
- Six states expanded gaming.

"Fiscal relief to the state from the federal Jobs and Growth Tax Relief Reconciliation Act was an important boost," the report notes.

On the spending side, "Medicaid will capture the largest percentage increase in general fund FY04 ... With 36 states reporting, Medicaid is budgeted to grow 4.6 percent. This is substantially higher than the other major categories of state spending: K-12 education (1.5 percent), higher education (-2.3 percent) and corrections (1.1 percent)."

On the other hand, Chris Atkins, director of tax and fiscal policy for the American Legislative Exchange Council (ALEC) -- a group for conservative state legislators -- said that, "Tax increases are the wrong answer to state budget woes. It's instructive to remember the recent past -- states embracing major tax hikes to close budget gaps during the early 1990s subsequently recovered more slowly from economic recession. Not only did the tax increases retard job, income, and economic growth but also perpetuated state budget deficits longer than states that did not raise taxes."

With Ohio's Help, Bill to Restrict States' Regulatory Powers Falters

A letter sent on July 23 by Gov. Bob Taft to Congressman Mike Oxley (R-Findlay), chair of the House Financial Services Committee, urging that state's regulatory powers be protected, apparently contributed to the growing contingent of state's rights advocates that sought the defeat of an amendment to limit the role of states in investigating brokers and investment bankers, according to an article in the Washington Post.

Republican Rep. Peter T. King of New York has come out against the proposal, and other moderate Republicans are likely to join him, leaving supporters without enough votes to approve the measure in the house committee, the article said. The bill would assert the primacy of the Securities and Exchange Commission on securities issues and would prevent state regulators from using court orders and settlements to force structural change on Wall Street. State regulators, with Ohio among them, remained firmly opposed to any attempt to rein in their activities.

Montgomery Issues Special Audit of Morgan County Housing Agency

Auditor of State Betty Montgomery Thursday released a special audit that concludes that the former executive director of the Morgan Metropolitan Housing Authority owes $11,000 for unauthorized salary increases, illegal expenditures and improper reimbursements.

In addition to the findings, the audit also lists federal questioned costs totaling $1,071,961 for unallowable and unsupported expenditures from federally funded housing grants. The questioned costs involve transactions with Morgan Options, Inc., a nonprofit corporation associated with the housing authority.

"Abuse of public funds for personal gain will not be tolerated," Montgomery said. "Working with the housing authority, we have recommended the agency update its expenditure and reimbursement procedures and implement better oversight to prevent this from happening again."

Findings for recovery totaling $11,025 were issued against former Executive Director Larraine Hunt after auditors discovered:

- Hunt received salary increases in excess of what was approved by the board;
- Hunt claimed and was paid overtime, which she was not eligible to receive;
- Hunt was improperly paid reimbursements for mileage driven to and from home (against housing authority policies); and

• Hunt used housing authority funds to pay for personal auto club memberships.

The unauthorized salary increases, overtime payments and illegal expenditures occurred between July 1, 1997 and March 31, 2002 while Hunt served as executive director overseeing both the housing authority and Morgan, Options, Inc. The board terminated Hunt March 21, 2002.

The questioned costs were issued for expenditures approved by Hunt from the Section 8 Housing Certificate, the Housing Voucher Program, the Comprehensive Improvement Assistance Program Grant and the Public and Indian Housing Grant. Questioned costs are issued when charges and expenditures from federal grants are made outside the scope of the grant or sufficient documentation does not exist to show that these funds were expended per the requirements/ guidelines of the grant. The Metropolitan Housing Authority will have to settle these issues with the federal government.

The audit was initiated in June of 2002 after J.E. Slaybaugh & Associates, Inc., an independent public accounting firm performing the housing authority's annual audit, contacted the auditor's office regarding allegations of improper spending by Hunt. The issue had been brought to Slaybaugh & Associates by the housing authority's board of commissioners.

The matter is being referred to the Morgan County prosecutor and the Attorney General's Office.

Hundreds of Thousands to Lose Overtime Pay Under Bush Plan

Under revised overtime rules proposed by the Bush administration, more than eight million white-collar workers nationally and more than 350,000 in Ohio, including some who earn as little as $22,100 per year, could become ineligible to receive extra pay when they work more than 40 hours per week. This is the conclusion of a new Economic Policy Institute (EPI) brief paper. The Ohio numbers were released Thursday by Policy Matters Ohio.

"Eliminating the Right to Overtime Pay," by EPI Vice President and Policy Director Ross Eisenbrey and EPI Acting Research Co-director Jared Bernstein, critiques a Labor Department estimate minimizing the impact of the proposed rules and provides a detailed description of the true impact of the changes. The new rules could be place by fall.

The revised regulations, proposed March 31, would dramatically increase the number of workers ineligible for overtime pay because they are classified as professional, administrative, or executive. Blurring of lines between managerial and hourly staff, coupled with downgrading of educational standards required to exempt employees from overtime pay, will encourage employers to switch millions of workers nationally from hourly to salaried status in order to avoid paying overtime.

"Under the guise of modernization, the Bush administration is threatening to gut the right to overtime pay for millions of workers," Bernstein said. "These changes will lower the income of working families, many of whom depend on overtime pay to make ends meet."

Among those who stand to be affects by the changes are workers with little more than a high school diploma and little or no on-the-job discretionary authority or responsibility. Also affected would be frontline supervisors who spend most of their workday doing the same tasks as those they supervise. Under the new rules the supervisors could be reclassified as executive or administrative employees who would no long be able to claim extra pay for hours worked above 40 per week.

The proposal would greatly reduce the education required for a worker to be categorized as a "learned professional" and therefore ineligible for overtime pay. The new definition would no longer require a degree beyond a high school diploma for this classification. Work experience or military training will be allowed to substitute for education and no minimum amount of such experience or training is established.

Similar loosening of how executive and administrative functions are defined and how much of a job must be devoted to such duties gives employers wide latitude for redefining many jobs as ineligible for overtime. (continued)

In one area, the administration's rules represent an improvement: they raise the minimum pay level below which overtime eligibility is automatic. This change, however, is more than offset by other changes in eligibility rules. In the work world defined by these rules, any worker who earns $425 or more a week, supervises two or more employees, and has a minimal amount of training or experience beyond high school is more likely to be denied overtime pay.

The kinds of jobs affected by the new rules cover a wide range. Among the specific occupations the authors cite as fields where overtime eligibility will decrease are: paralegals, emergency medical technicians, licensed practical nurses, draftsmen, surveyors, reporters, technical writers, bookkeepers, dental hygienists, lab technicians, cooks, factory supervisors and set-up workers.

The harshest impact will be felt by workers who are now receiving overtime pay and will no longer be able to do so. Changes proposed by the administration are likely to bump millions of workers who are now eligible to receive overtime pay into exempt status; not only will they not receive time-and-a-half after 40 hours of work, they won't receive straight time for their overtime hours either.

"Current overtime laws help prevent employers from forcing workers to put in more hours they they're paid for," said Amy Hanauer, executive director of Policy Matters Ohio. "If these rule changes go through, more than 350,000 Ohioans will lose that protection. With families already working more hours than ever before, it is a dangerous time to eliminate such protections."

OSFC Tables Plan to Assess Urban School Building Process

The Ohio School Facilities Commission (OSFC) wasted little time approving a long list of agenda items Thursday, with the exception of a resolution to pay $95,000 for an analysis of operations in the Cleveland and Toledo Municipal School Districts.

Crystal Canan, chief of projects for OSFC, said the commission had approached the Center for Public Management of the Maxine Goodman Levin College of Urban Affairs at Cleveland State University to conduct an assessment of the Accelerated Urban Programs currently underway in the Cleveland and Toledo school districts.

The Cleveland center was chosen because of its reputation as a unique institution that specializes in urban policy issues. But Rep. Bill Hartnett (D-Mansfield) wondered whether the state had other institutions that might have been chosen to undertake the assessment. Sen. Theresa Fedor (D-Toledo) commented that she has worked closely with a similar urban affairs institute in Toledo and suggested that other urban affairs centers in the state might compete for the task of assessing OSFC projects.

Canan told commission members that she was aware of three other similar centers -- Cincinnati, Wright State and Youngstown -- but that none of the three were really comparable to the Cleveland institution. As proposed, Canan said, the resolution called for the Cleveland State Urban Affairs Institute to assess the projects in Cleveland and Toledo and develop a model assessment that other urban institutes might be invited to use in partnership with the Cleveland group in future assessments.

Following a short discussion, Director Tom Johnson correctly assessed the commission's mood and decided the resolution should be tabled. He urged OSFC staff to take note of the day's comments and return with a new resolution next time.

All other items on the commission's agenda were approved with little or no discussion, including changes to the Exceptional Needs Program's guidelines --incorporating changes made in **HB95** and simplifying the application procedure. The commission also updated the Ohio Design Manual to change the square footage per high school student in schools with student populations of 1,601 to 2,400.

Vinton County Receives Fair Housing Grant

State Development Director Bruce Johnson Thursday announced that Vinton County will receive a $15,000 grant to assist with fair housing efforts. The County will use the funds to continue a countywide fair housing marketing campaign. The grant will be awarded through the Ohio Small Cities Community Development Block Grant (CDBG) New Horizons Fair Housing Assistance Program administered by the Ohio Department of Development's (ODOD) Office of Housing and Community Partnerships.

Taft Announces Kids Essay Contest

Gov. Bob Taft reminded Ohioans Wednesday that it is time for 1st-8th graders to submit their essays for the Great Ohio Adventures in Leaning (GOAL) Summer Essay Contest. The deadline for submissions is Thursday, July 31. The essay contest rewards students for using their creative writing skills to share what they've learned during summer vacation.

The GOAL program, coordinated by the Ohio Department of Development's Division of Travel and Tourism, combines learning with travel by creating a network of Ohio attractions that challenge families to discover the fun in learning vacations.

HOUSE

THERE WERE NO BILLS INTRODUCED 07/24/03

SENATE

THERE WERE NO BILLS INTRODUCED 07/24/03

The House
adjourned until Tuesday,
July 29, 2003
at 11:00 a.m.
Nonvoting Session

The Senate
adjourned until Tuesday,
July 29, 2003
at 9:30 a.m.
Nonvoting Session