FDA Eases Restrictions On Battelle Mask Sterilization System Following State Pleas
Gov. Mike DeWine fumed, and federal regulators listened.

So went the weekend drama over Battelle Memorial Institute's rollout of a system designed to clean up to 80,000 N95 respirator masks a day and return them for reuse to medical personnel and first responders dealing with the coronavirus pandemic.

Mr. DeWine had characterized the U.S. Food and Drug Administration's decision to initially limit Battelle's system to 10,000 sterilizations of the highest-protection level masks as "nothing short of reckless" given the "matter of life and death" facing the nation.

The governor hadn't planned on doing one of his daily virus updates on Sunday, but with the FDA's directive falling short of expectations earlier in the day, he reversed course and took his concerns public in a live stream through the Ohio Channel.

"We've been waiting, and waiting and waiting," Gov. DeWine said during his uncharacteristically forceful news conference. "I got sick of waiting, frankly."

The governor said he called President Donald Trump, who promised to work on the issue. Lt. Gov. Jon Husted, other state elected officials and Battelle, the largest research institution of its kind, worked the phones with Ohio's congressional delegation and wrote to the FDA.

Just after 10 p.m. Sunday, they got the news they were looking for from the federal government.

"This is an example of everyone working quickly to help find a solution," FDA Commissioner Dr. Stephen Hahn said in issuing new guidance for the systems.

"After receiving Battelle's request today, we turned it around in a matter of hours and issued a new authorization allowing them to ramp up their capability to decontaminate more respirators," he said. "FDA is committed to working across government and with the private sector to find solutions fast. We are willing to be flexible and adapt to this pandemic, so that we can get essential medical devices to those in need to protect against COVID-19."

FDA issued a new Emergency Use Authorization and released a letter sent to Battelle. Regulators had rescinded the 10,000-mask limitation.

"I want to thank President Trump for his leadership and Dr. Hahn of the FDA for approving the use of this life-saving technology that Battelle has developed," Mr. DeWine said in a statement. "This will not only help Ohio's healthcare workers on the front lines of the COVID-19 crisis, but Battelle will also be helping health care workers in hot spots throughout the country including New York and Washington state."

Added Lt. Gov. Husted: "This Ohio-driven solution has the potential to save lives now and in the future across the United States."

Louis Von Thaer, president and CEO of Battelle, said during the Sunday news conference that the Critical Care Decontamination Systems, which are built into shipping containers, are being distributed first to virus hot spots around the country.
Two are in use in central Ohio, one in New York and another on the way to Seattle, WA, he said. The sought-after masks, which are in short supply under the deluge of hospitalizations, are cleaned with hydrogen peroxide and returned to the hospitals that sent them. They can be sterilized and reused up to 20 times, he said.

What Battelle will charge hospitals for the sterilization services was not available Monday.

"Our focus has been on building the units, testing the technology, getting them approved, getting them to the sites that need them as fast as we can so they can meet the urgent demand for N95 mask," Battelle spokeswoman Katy Delaney said. "We will get around to pricing but that's not our main mission in this situation. Those details will be worked out."

Mr. DeWine said New York will eventually have two of the machines. Battelle plans to ship four more units elsewhere in the United States next week and 15 additional machines in the coming weeks, he said.

While the state's efforts to expedite the Battelle system came to a head over the weekend, officials had been pushing the FDA to act for weeks.

U.S. Reps. Troy Balderson (R-Zanesville), Joyce Beatty (D-Blacklick) and Steve Stivers (R-Columbus) had sent a letter to the FDA two weeks ago urging emergency approval.

"We are facing a crisis in Ohio and around the country. The number of cases will continue to grow in the coming weeks, and we need to do everything we can to ensure there is enough equipment to fight this battle, including allowing Battelle to sterilize N95 masks at full capacity," Reps. Balderson and Stivers said in a joint statement.

Rep. Beatty took to Twitter Monday to thank the FDA and front-line medical personnel.

"Thank you to every healthcare worker who is risking their life for the health and safety of everyone, and we are proud to see businesses in the district stepping up to do their part to help save lives," she wrote.

**Governor Urges Cooperation From Hospitals, Churches, Businesses**

Gov. Mike DeWine on Saturday made personal appeals to federal regulators, testing laboratories and churches, asking all groups for help in fighting the coronavirus pandemic.

The governor called on the U.S. Food and Drug Administration to quickly approve a new Battelle technology that could result in the quick sterilization of hundreds of thousands of pieces of personal protective equipment. He urged testing labs to report COVID-19 test results immediately. And he asked churches that are still holding in-person services to halt them.

The governor also said a new order he issued makes it clear that state contractors will be contacted, and possibly visited, to make sure they are following the safety precautions the state has ordered.

Gov. DeWine advised hospital leaders that they would be hearing back from the state soon on their regional proposals regarding how coordinated health services can be provided. That effort was driven by what the state has said will be a need to double or triple the availability of medical beds in the coming weeks.

The governor said hospitals must work together as part of the response.

"We cannot get through this by each hospital doing its own thing," he said, adding that the regions should also engage other community partners, such as nursing homes where people have not been infected.

"We hope to see some real action next week," he said.

Dr. Amy Acton, director of the Department of Health, added that some hospitals will be asked to take on COVID-19, while others will focus on other medical needs.

The governor said many Ohio churches have taken positive steps toward engaging their members through online and remote services. However, he asked those that are still holding in-person events to cancel them.
"It really is not a wise thing," he said. "Let's don't congregate together."

The governor also called on Ohio manufacturers, if they are able, to shift production to create products that are needed to provide medical services.

He detailed a list of most wanted items – including surgical gowns and masks, N-95 masks, isolation gowns, face shields, thermometers, ventilator tubing, coveralls and foot coverings – that the state desperately needs.

He asked manufacturers that are able to produce the products, and others, to contact the state right away.

Lt. Gov. Jon Husted said Gov. DeWine signed a document Saturday that opts Ohio into all five sections of a federal law that was finalized on Friday. He said the state's program regarding that unemployment compensation program won't be available immediately, but the private sector has been engaged to help deploy it quickly.

Mr. Husted also said state leaders have been in touch with health insurers to indicate the coverage should not be denied and that payments should be made to medical providers promptly.

"They have been very responsive to that," he said, adding he is not aware of any denials. "If we do, we will take action on it."

He added that Ohio's public television stations will be broadcasting educational programming for Ohio students starting on Monday. The programs, he said, will supplement what students are learning from home through remote schooling.

Mr. DeWine said he spoke with several mayors on Saturday morning to get a sense for whether businesses are complying with closure orders. He said local health departments are conducting inspections and are closing operations that are not essential.

Further, he said essential businesses that are not following personal safety recommendations may not stay open. "If you cannot follow that, you cannot be open," he said.

U.S. Sen. Sherrod Brown also joined the event by telephone, thanking the governor and Dr. Acton for their work.

"The Administration wasted precious time and put us behind in fighting this, but Ohio has been a model for the country, and the actions Dr. Acton and Gov. DeWine have taken during this pandemic will save lives," he said.

"I appreciate that Governor DeWine has been clear: the most important thing we can do for the economy right now is to get this pandemic under control."

The senator said his top priority is getting resources included in a federal stimulus law to Ohioans quickly.

"I will do everything I can to make sure that we get all these resources to the people and communities who need them now – and to make sure money actually ends up in the pockets of workers," he added. "We negotiated all weekend and while it isn't perfect, the work we did over a couple of days made this a better deal for workers, for families, for communities."

The developments came on a day when Dr. Acton said Ohio had recorded 25 deaths as a result of the virus. She said Ohio had 1,406 confirmed cases, and 24% of those cases have resulted in hospitalizations.

She reiterated that those numbers are likely lower than the true scope of the spread, saying that only the sickest are being tested. She added that some Ohio counties are not testing for the virus at all.

ODH reported Sunday that the number of cases in the state had grown to 1,653, resulting in 29 deaths. COVID-19 had resulted thus far in 403 hospitalizations including 139 in ICU, the agency said. The median age of the victims was 52.

Legislature Extends Work-From-Home Policy; BWC Waives Some Program Requirements...
Both of Ohio's legislative chambers on Monday announced they are extending work from home policies until May 4.
Statehouse Update

The House policy initially lasted through April 3, although Speaker Larry Householder (R-Glenford) noted then that it would be reassessed as needed.

In a memo sent to House members and staff, he said they are currently scheduled to return to offices May 4, although that date will be reassessed when it gets closer.

Senate GOP spokesman John Fortney said the upper chamber has also extended its policy until May 4, pointing to federal social distancing guidance.

Workers' Compensation: The Bureau of Workers' Compensation on Monday said it is waiving several requirements for employers participating in programs that lower premiums in exchange for creating safer workplaces and doing business online and on time.

The bureau is waiving safety education and training requirements for the policy year ending June 30 for private employers and for calendar year 2019 for public employers for the Drug Free Safety Program, EM Cap Program, Grow Ohio, Industry Specific Safety Program, One Claim Program and Policy Activity Rebate Program.

"This is one more way we can answer Governor Mike DeWine's call for state agencies to help Ohioans and the business community through this difficult time," BWC Administrator/CEO Stephanie McCloud said in a statement. "We're looking at everything we do, and I'm sure more action will follow in the coming days and weeks."

Financial Disclosures: The Ohio Ethics Commission announced it is extending the filing deadline for 2019 financial disclosure statements to July 15, the same as federal and state tax filing dates. The deadline has generally been May 15 each year.

"Due to the extension of the deadline for federal and state tax returns to July 15, 2020, the Commission wanted to give our filers adequate time to compile and file their statements," Executive Director Paul M. Nick said in a statement. "While many filers have already used our online filing system, this extension will give them additional time to meet their statutory requirements during the COVID-19 attention to public health."

Scams: The Ohio Emergency Management Agency said Monday it has received reports of spam calls to Ohioans from people claiming to be from the EMA and requesting personal information.

"The Ohio Emergency Management Agency is not calling Ohioans and asking for their protected personal information," said Executive Director Sima Merick. "If you receive such a call, it is a scam. Please hang up the phone."

ReConnect Program: Citing the COVID-19 emergency, the U.S. Department of Agriculture announced it has extended the deadline for the ReConnect Pilot Program to April 15.

"In light of the COVID-19 National Emergency, USDA is extending the application deadline for round two of ReConnect Pilot Program funding to give rural businesses, cooperatives, and communities extra time to apply for this critical assistance that will help bring high-speed broadband connectivity to rural communities," Deputy Under Secretary for Rural Development Bette Brand said in a statement. "Under the leadership of President Trump and Agriculture Secretary Perdue, USDA has made deploying this critical infrastructure in rural America a top priority, because when rural America thrives, all of America thrives."

High Court Rules In Expert Testimony, Indemnification, Attorney Fee Cases

Indemnification Case: Indemnification law cannot be used to require a governmental body to pay a judgement, the Ohio Supreme Court ruled.

In a 6-1 decision authored by Justice Fischer, the court affirmed an Eighth District Court of Appeals ruling that found a Cleveland man could not use the law to force the city to pay a $13.2 million judgement he won against two former police officers, the high court reported.

"Because the statute does not specifically provide for a third party to enforce an employee's right of indemnification against a political subdivision, we may not read that provision into the statute," Justice Fischer wrote for the majority.
Justice Stewart dissented.

"I would hold that the political subdivision's obligation to pay the judgment can be enforced when a qualifying judgment is obtained against an employee and the judgment creditor proceeds against the political subdivision for payment of the judgment," she wrote.

**Cracker Developers Announce Tax Deal**

Developers eying a long-awaited Ohio cracker plant have inked a deal with local governments to provide a 15-year property tax exemption.

PTT Global and Daelim Chemical USA, which have not yet made a final investment decision, announced the Ohio Enterprise Zone Program agreements in a statement.

The deal, they said, would translate into $47.5 million in "education and other community need" while generating more than $20 million in sales tax revenue during construction.

The companies said the project over that period would generate $38 million for Shadyside Schools, $9.5 million for Mead Township and between $20 million and $24 million in sales tax revenue for Belmont County during construction.

"The project team appreciates the strong support of these local partners as well as Gov. Mike DeWine, Lt. Gov. Jon Husted and JobsOhio," the companies said. "As always, PTTGCA and Daelim Chemical USA are extremely grateful for the enthusiasm and the patience of the Ohio Valley community."

The prospective project was first announced in 2015 at a Statehouse news conference but a final investment decision has been delayed several times. The companies more recently signaled their intent to reach a decision by mid-year.

**Tuesday, March 31, 2020**

**Ventilator Tracking, Water Shutoff Among DeWine's Latest Coronavirus Orders**

DeWine Administration officials Tuesday issued several new orders tied to the ongoing pandemic – including moves to better track critical ventilator supplies and to ensure continuity of water service.

Gov. Mike DeWine in his daily briefing also announced he was extending the current work-from-home protocol for state employees to at least May 1, and that he is enlisting the support of JobsOhio to get the state's business climate back up and running once normalcy resumes.

The governor also foreshadowed he may extend the current shelter-in-place order, which currently expires April 6. Asked whether there will be an extension, the governor replied: "I didn't say that, but I've given every signal."

"I've gone with the best science we can follow and everything you've heard (us) say indicates we cannot let this monster up," he said. "We have to keep battling it. We can't walk away or it's going to rear up and it's going to kill more Ohioans. We can't let up."

State leaders' latest moves come as the state Tuesday reported 2,199 confirmed coronavirus cases – up from 1,933 a day prior. State leaders continue to stress the true number of cases in the state is likely far higher given limited testing. The state reported 55 total deaths, 198 ICU admissions and 585 hospitalizations.

Health Director Amy Acton's order on ventilators and other equipment requires entities at all levels of the supply chain to report weekly – by 5 p.m. Wednesday – how many ventilators they possess and where they are. The online reporting requirement applies to entities including manufacturers, transporters, retailers, and hospitals. Other equipment subject to reporting requirements under the order include C-PAC and B-PAP machines and related equipment such as tubing.

Gov. DeWine said the state is working with Ohio companies that may be able to manufacture ventilators and promised in a few days to provide more specifics on the number and availability of ventilators in Ohio.
Dr. Acton, calling the current period "the calm before the storm," thanked Ohioans and urged them to stay the course when it comes to social distancing.

"What we've done in Ohio is we've bought precious time," she said. "We are working full court press to try to get ready for this storm."

In issuing the water shutoff order, Environmental Protection Agency Director Laurie Stevenson prevented water systems from shutting off service during the declared emergency. The order also enables a customer who has had service shut off since Jan. 1 to request reconnection at no cost. That customer, however, will be subject to paying for that service, the governor said.

Regarding state employees, Gov. DeWine said almost 18,000 employees are now working remotely following his first work-from-home directive issued March 12. In expanding that directive this week, he said he's instructed his cabinet to identify further workers who might be able to work from home.

"I've challenged them to come back to us with those additional individuals," Gov. DeWine said.

Gov. DeWine said in regard to the potential spread of COVID-19 among the prison population that his team is discussing whether and how to release offenders who may be near the end of their sentence, or because of their medical condition or age are more susceptible to the virus.

"We are looking at it on a case-by-case basis," he said, adding he would not turn loose sex offenders. "We're going to be careful in how we're looking at this and in the next few days we'll be able to announce what we're going to do."

Gov. DeWine also said he'll be prepared soon to announce details of a business advisory panel and that he's asked JobsOhio leaders to play a lead role in guiding the state's businesses back to full operation when the time comes.

"JobsOhio can play a real role so I've charged the board to focus on that," the governor said.

The governor said the state's privatized economic development arm has also announced a $2 million growth fund loan to Appalachian Growth Capital as part of a targeted effort to fund economic development in areas of the state where the economy has been the hardest hit.

Lt. Gov. Jon Husted, meanwhile, urged continued patience with the state's overwhelmed unemployment compensation system. He said nearly 200 additional call center staff are being trained and that the system's online capacity has already been increased by 20 times.

"I said to them that is not enough," Mr. Husted said. "We've got to do more."

**Trump Issues Disaster Declaration For Ohio**

**Disaster Declared:** President Donald Trump on Tuesday approved a requested disaster declaration for Ohio.

The declaration paves the way for federal assistance to supplement state and local recovery efforts in the areas affected by the coronavirus, according to the administration.

"Federal funding is available to State and eligible local governments and certain private nonprofit organizations for emergency protective measures, including direct Federal assistance, for all areas in the State of Ohio impacted by COVID-19," the declaration states.

“Additional designations may be made at a later date if requested by the State and warranted by the results of further assessments.”

**Portman Eyes Filling 'Gaps' As Part Of Likely Next Phase Of Federal Stimulus**

U.S. Sen. Rob Portman said Tuesday he expects Congress will need to pass a fourth stimulus bill to address the novel coronavirus and its effects on the economy.
This comes after passage last week of the Coronavirus Aid, Relief and Economic Security Act, or CARES Act, that provided roughly $2 trillion in assistance to individuals and businesses affected by the virus as well as the health care system.

The next phase of the support efforts will likely focus on helping get the economy on track but also to "see where the gaps are" that weren't addressed by the first efforts, he said in a conference call with reporters.

One of those possible gaps could be additional funding for cities. The CARES Act provided money directly to cities over a certain population threshold, but among Ohio cities, that only included Columbus. Sen. Portman said more direct federal support for local governments could be needed.

"We've heard from a number of our cities, including some of our midsize cities about not getting support from the federal legislation because it's going to the state and then to our cities," he said.

Sen. Portman touted the money that has been awarded so far, including money awarded by the U.S. Department of Housing and Urban Development to support housing initiatives for those affected by the coronavirus.

Regarding the money from the CARES Act, he said he's heard the first set of checks could be out to Americans in the next two weeks or so. The Internal Revenue Service said the first group will likely be people who have filed their 2019 taxes already.

The most important part of the bill is the support for the health care system, he said. Money for hospitals and for testing will help reduce the overall impact of the virus, he said.

"That's where I think the CARES Act actually has the biggest impact," he said. "We can continue to provide help for the economy but if we don't fix the health care crisis there simply won't be enough funding to keep people on their feet."

Sen. Portman said his focus right now is on supporting state and local efforts by helping cut through federal bureaucracy. That includes helping the state with its request for a disaster declaration.

"I appreciate Gov. DeWine making the application as soon as the information was available to the state to be able to meet the criteria," he said. "Now our job is to get the federal government to approve."

Another focus is supporting companies in Ohio. One of those is GOJO, the maker of Purell, which has run into hurdles because tariffs on Chinese-made products are increasing costs of materials they need, he said.

"These are products that are critical to the public health response to coronavirus and we should do everything we can do to maximize their output," he said. "We need all the hand sanitizer that we can produce and Purell is a global leader in that."

**Wednesday, April 1, 2020**

**State Seeks To Speed Virus Testing, Limit Small Business Foreclosures**

Gov. Mike DeWine announced Wednesday that the latest order issued in the battle against the coronavirus is designed to quicken testing turnaround.

The order issued by Department of Health Director Dr. Amy Acton requires hospitals to send test kits to hospitals with in-house testing capabilities, which can produce results faster than private labs.

So far, four hospitals have such capability: Ohio State University Wexner Medical Clinic, the Cleveland Clinic, University Hospitals in Cleveland and MetroHealth.

"The problem has been a turnaround of four, five, six days, which is unacceptable," he said during his daily press briefing on the COVID-19 pandemic. "It's unacceptable to the patient. It's not acceptable for the rest of us because knowing when someone tests positive or doesn't test positive is information that we very, very desperately need."

ODH will also continue to do its own testing. The order also directs hospitals to begin using rapid testing as soon as it becomes available.
Even when that comes online, Dr. Acton said Ohio will still face a scarcity of available tests.

"We still have fractional testing and even when we have the rapid testing it makes it go faster but it doesn't give us a huge volume more," she said.

Dr. Acton said there is need for a national conversation about how to scale up testing and avoid pitting states against one another, suggesting the Defense Production Act could be utilized.

The governor also on Wednesday signed an executive order asking lenders and landlords to suspend payments from small businesses for 90 days.

"We know that many of them are hurting," he said. "We know that many of them have had to make some very, very tough choices."

Added Lt. Gov. Jon Husted: "This will have a huge impact on what happens when we try to restart things."

The move received praise from the Ohio Business Roundtable, with President & CEO Pat Tiberi saying it "sends the message to lenders and landlords to hit the pause button during this health crisis that is quickly becoming an economic crisis."

"Lenders in Ohio – from large institutions like PNC Bank to small, one-branch community banks in rural parts of the state – have been forward thinking in offering this relief," he added. "Let's hope that out-of-state lenders will heed Gov. DeWine's directive during this unprecedented crisis."

The governor also announced the creation of a program that will allow Supplemental Nutrition Assistance Program recipients to "click and collect," which will allow grocery shoppers to purchase products online and receive curbside pickup.

"This option reduces the time SNAP recipients are in the grocery store and reduces the risk of community spread," he said.

Department of Job and Family Services Director Kimberly Hall called the news "a welcome development in these challenging times."

"It will help keep families safe as we all work together to limit social distancing and stay healthy during the COVID-19 pandemic," she added.

Lt. Gov. Husted also relayed a host of requests from the state's grocers, including that people keep their distance in stores, shop patiently and alone when possible and limit and consolidate trips.

In addition, Gov. DeWine announced that the National Guard will be deployed to Columbus, Cleveland and Cincinnati to help assess the ability to expand hospital capacity.

"The teams from the National Guard are working with healthcare experts and engineers to understand what's needed, ranging from utilities such as water, electricity, those kind of needs, to also understanding how many beds, bathroom sinks, etc. are needed," he said.

"So, this is not something that just the National Guard is doing. The hospitals have had plans for some time about how to build out when that was necessary. So, all of these things are being integrated together and the hospitals are working very, very closely with the National Guard on this."

Those announcements come as the state reported 2,547 confirmed cases and 65 deaths. Hospitalizations total 679, with 222 ICU admissions.

Dr. Acton said modeling still shows the state will hit its peak in May, but that does not mean the state will be able to flip a switch and immediately return to normal.

"I wish I could give you hope about your summer, but the truth is if the curve peaks in May it will be a slow process to get to the end of the curve," she said.
She said that scientific developments, such as serological testing which can determine who has antibodies and may be immune to the coronavirus, will speed the process.

**Disaster Declaration Will Shift Some Costs To Federal Government**

The state on Wednesday shed more light on the impact of a federal disaster declaration related to the coronavirus.

President Donald Trump approved Gov. Mike DeWine's request for a statewide disaster declaration Tuesday.

Gov. Mike DeWine said at his daily press briefing that the declaration provides grants from the Federal Emergency Management Agency to the state and local governments for emergency protection operations, emergency operations centers, fire and police, emergency medical care and other efforts. The federal government will pick up 70% of certain costs.

"This declaration shifts some funding burden from the state and local governments to the federal government," he said.

The declaration can help the state by allowing direct assistance to local governments, including from the National Guard and from the Army Corps of Engineers, the governor said.

It can also shift costs from the state to the federal government for state agency purchases, the disinfection of public facilities and protective equipment. The feds will also pick up some costs for temporary medical facilities and the expansion of hospital capacity.

U.S. Sen. Sherrod Brown (D-Cleveland) said the disaster declaration will help Ohioans who haven't already grasped the severity of the situation.

"This is the worst thing that's happened to our country in our lifetime," Sen. Brown said. "We can't fix this by going back to work...We fix it by everybody doing what they need to do, protecting themselves and each other. The declaration will help because it focuses people more on the gravitas of the situation."

U.S. Sen. Rob Portman (R-Terrace Park) told reporters Tuesday that the declaration would help Ohioans in many ways. It would allow some people who would not normally qualify for unemployment compensation to receive it, crisis counseling services and support for local governments.

**Ohio's Response Rate Clears 40% By Census Day**

Gov. Mike DeWine on Wednesday urged residents to mark Census Day by making sure the federal government knows they live in Ohio.

As of the end of March, Ohioans were doing a better job than the national average at responding to the census.

Just shy of 42% of Ohio households had responded to the census by mail, online or by phone through Tuesday, according to the latest data from the U.S. Census Bureau. The nationwide average sat slightly below 38.5%.

Gov. DeWine called on Ohioans kept home by the state's ongoing response to the coronavirus pandemic to take time to push the state's total higher.

"If you have not yet completed your census, this might be a good opportunity to do so," he said. "What will the census do for us? It's in everyone's interest for everyone to be counted."

"I tell people this is one time when everybody ought to have agreement," he continued. "Whatever your political persuasion, wherever you live, it's important for the census to count all Ohioans."

The governor said allocation of federal funding throughout the nation and the state's number of representatives in Congress are just two of many things determined by census data.

About 69% of Ohio households "self-responded" to the census in 2010.
Initially, the Census Bureau planned to send workers out in May and June to follow-up with households that did not "self-respond" after receiving census mailers. Due to the pandemic, that window has been moved to May 27-Aug. 14.

The bureau announced last weekend all field operations, including efforts to count residents at colleges, prisons and senior housing facilities, had been suspended until April 15 in response to the outbreak.

The Ohio Census Advocacy Coalition in a statement also urged Ohioans to respond to the census.

"As Ohioans cope with COVID-19, filling out the census is an easy way to make sure communities count and have access to the resources they need in the future," the group said. "Census data determines how federal funding is allocated for health insurance (including Medicaid, Medicare, and Children's Health Insurance), food assistance, and other safety net programs."

"Census data also determines where community health centers are located and informs hospitals about staffing decisions," the coalition continued. "Finally, as federal aid efforts are underway, it is more critical than ever to ensure that Ohio is fully represented in the U.S. House of Representatives."

**Thursday, April 2, 2020**

**State Extends Stay-At-Home Order Until May 1**

Ohio's stay-at-home order will now run through the entire month of April at least – with additional limitations – after Gov. Mike DeWine announced an extension Thursday.

The extension serves as a response to the continued growth of coronavirus cases in the state amid the ongoing pandemic.

The Department of Health reported the number of confirmed cases Thursday was 2,902, up from 2,547 the previous day. The state said there have been 81 deaths, up from 65. Ohio has reported 802 hospitalizations, including 260 ICU admissions.

Health Director Dr. Amy Acton signed the new order that becomes effective when the current order ends Monday. It includes some changes and clarifications, such as:

- Creating a dispute resolution panel to address discrepancies in enforcement between political subdivisions.
- Directing retail businesses to establish a maximum number of people inside at a time.
- Requiring people traveling to Ohio to self-quarantine for 14 days, except for those who work in other states or along border areas.
- Forcing wedding receptions to follow social distancing rules.
- Prohibiting organized sports.
- Specifying that garden centers can be open.
- Allowing fishing.
- Clarifying that state parks will not be closed unless people are not following social distancing rules.

Gov. DeWine said the current stay home order has been effective but that it must continue.

"We are in a decent position," he said during his daily news briefing. "A lot better than what we would have been. What you have done has saved a number of lives."

ODH is anticipating the peak in new cases might not come until sometime between April 15 and May 15.

"If that peak does not come for another month, which is certainly very possible, we will continue to have to stay home. We are going to continue to do what we have to do," the governor said.

The dispute resolution panel will include Department of Commerce Director Sheryl Maxfield, Development Services Agency Director Lydia Mihalik and Public Utilities Commission of Ohio Chairman Sam Randazzo, Gov. DeWine said. Its rulings will be final.

"This will be in cases where similar businesses are being treated differently in different counties or under different health districts," he said.
Statehouse Update

Regarding the store crowd size provisions, those numbers will be set by individual businesses, the governor said.

"We want each of these businesses to set a number, post the number and if they fill up to that number, they stop people from coming in," he said.

Gov. DeWine said social distancing measures must continue in order to reduce the coming strain on the state's health care system.

"I would not make this decision if it wasn't a matter of life and death, if it didn't mean that I'm convinced that what we're doing is saving lives," he said. "We've got to keep this monster down. He's not dead. He's very much alive."

The governor also announced the creation of an economic advisory council, to be led by RPM CEO Frank Sullivan, to inform the administration on economic issues.

"Just as we have looked to experts to help us move through this crisis, we're also looking to experts as we move forward and as we will come out of this and as we focus on our economic recovery," he said.

The state's launch Wednesday of a website where manufacturers can reach out if they are potentially able to produce protective equipment and other needed materials has already yielded responses from more than 600 businesses, he said.

Gov. DeWine also urged retail businesses and other entities that are still open to allow employees to wear masks while they work. While the state is short on N95 masks needed by health care professionals, less intensive masks can still be helpful in reducing the spread of the disease.

"I think people who are in retail who want to wear these certainly should be able to wear these," he said.

Friday, April 3, 2020
New Public Record Dispute Process Speeds Resolutions, Data Indicate
A new public records dispute process put in place in 2016 has served its purpose, according to the author of the law.

State Auditor Keith Faber, who sponsored the legislation when he was president of the Senate, believes the process he created has greatly reduced turnaround times for public records disagreements. Under the changes, disputes with public bodies over requested public records are routed to the Ohio Court of Claims in a system designed to be a less costly and more efficient alternative to taking such cases to a common pleas court.

"It seems to be working and the big numbers that I look at is the fact that most cases are settled and resolved before they actually get to a determination by a court or a special master," Auditor Faber said in an interview.

Data provided by his office found that since the measure (SB321, 131st General Assembly) became law, 300 cases have been filed, with 266 terminated.

A total of 159 cases were successfully resolved in mediation during that period, 79 of which were through triage mediation and 80 through formal mediation.

The average number of days from filing a complaint to disposition is 103.

Mr. Faber described the speed with which the cases are disposed as "almost laser quick."

However, he said he was somewhat surprised by the lack of volume of cases, which he attributed to government entities following the state's public record law.

"Most people are getting what they need without having to go through the process," he said.

Nonetheless, he said more could be done to educate the public on the availability of the process.
During 2019, a total of 71 cases were filed, including 12 by the media, 10 by public officials/employees and one by an attorney or law firm. A total of 48 were filed by what is categorized as "other."

Law enforcements agencies led the way in terms of respondents, with 16 cases filed, followed by "other" (14), the state (13), municipalities (12), educational institutions or school districts (9) and county governments (8).

The Associated Press is currently involved in an Ohio Supreme Court case over the process, arguing that a public office must produce competent, admissible evidence to justify an exception to the Public Records Act.

The news agency sought video of a 2017 shooting of Jefferson County Judge Joseph Bruzzese. The request was denied on the ground that the footage is an infrastructure and security record. That led to a filing in the Court of Claims, which accepted a special master recommendation that it be provided with some redactions.

However, the Seventh District Court of Appeals reversed that ruling. If allowed to stand, the AP argues, it "will be a giant step backwards with respect to the requirement that public offices not be permitted to apply exceptions to the Public Records Act based solely on unsubstantiated assertions by counsel."

The high court has accepted the case, but Auditor Faber said it is too early to determine if a legislative fix may be necessary based on the outcome.

Mr. Faber is also hoping to create a similar process for Open Meeting Act disputes through legislation (SB 293) introduced in the Senate.

He cited a situation in Cincinnati, in which members of council were found to have violated the law, as just one example of the need for the measure.

"Having the ability to resolve that without spending $170,000 in legal fees would have been a real asset to the community," Mr. Faber said.

He said he's heard support from both chambers for the measure.

"I think right now the virus situation is dictating the legislative agenda," State Auditor Faber said. "But certainly, I think there's widespread support. I haven't heard anybody that's opposed to it."

**Saturday, April 4, 2020**

**Order Expands Telehealth Access; Officials Urge Ohioans To Wear Masks In Public**

A new executive order signed by Gov. Mike DeWine further increases Ohioans' access to physical and mental health services, including counseling and marriage and family therapy.

The directive signed on Saturday makes it clear that telehealth medical services are available to Ohioans without first having an in-person session.

Gov. DeWine also said he will be wearing a mask in public for the foreseeable future, and asked Ohioans to do the same.

The telehealth change, the governor said, will make sure residents are able to get the care they need at a time when they are unable to seek in-person medical care and counseling as the coronavirus continues to spread.

"We want to ensure that people are caring for themselves both mentally and physically," he said.

As of Saturday, the state had recorded 102 deaths from the virus, up from 91 on Friday. Ohio also had 3,739 confirmed cases, an increase from 3,312 the day before. The median age of those contracting the disease is 53, with age ranges from less than 1 to 101.

Both Gov. DeWine and State Health Director Dr. Amy Acton said wearing masks can help limit the further spread of the virus.
"We should look at them as something we can do that's socially acceptable," the governor said, adding that Ohioans should consider those who wear masks as doing something positive for their community.

"We don't want people to think this is a substitute for social distancing," he added. "It is not."

Dr. Acton acknowledged that mask-wearing will be a "culture shift," but said Ohio's culture has already shifted significantly.

"This is for us to wear to protect other people," she said, adding that in other countries, wearing masks is considered cool, hip and polite.

Added Lt. Gov. Jon Husted: "This is not something that we should be scared about." Those wearing masks, he said, are showing respect for others.

Directions on making masks are available on the state's coronavirus website.

The governor said state officials working on the buildout of hospital facilities will have more details on expansion plans later this week, but said hospitals are already expanding capacity on their own.

The expansion team, led by Major General John Harris, has been on site at several facilities, the governor said.

Ursel McElroy, director of the Department of Aging, joined the Saturday event to review the impact the virus is having on Ohio's 2.8 million older adults.

She said that population brings the state significant strength, wisdom and calm, but also said many of their services have been disrupted. She said the state has taken many steps to deliver meals, adjust living situations and take other steps to keep the older population healthy.

She also said the state is working to distribute federal funds to caregivers, and will endeavor to make that happen when funds are received.

Dr. Acton said Ohio has so far conducted 41,000 tests and data shows that the elderly continue to be the most vulnerable.

The governor indicated he didn't intend to have a news conference on Sunday, which would end a 27-day streak of events to detail state responses to the virus.

**Federal Court Declines Requested Election Changes**

Several groups came up short in their bid to re-open the voter registration window ahead of the April 28 deadline to vote in the March 17 primary election.

The ACLU of Ohio and other organizations argued that not allowing non-registered Ohioans a chance to add their names to the voting rolls amounted to a violation of the National Voter Registration Act and asked a federal court to issue a temporary restraining order.

Lawmakers recently passed an omnibus measure (HB 197) to deal with the ongoing COVID-19 pandemic that included language extending voting, largely by mail, until April 28. In doing so, they emphasized that they were not creating a new election date.

In addition to reopening the voter registration deadline, the lawsuit asked the federal district court to order county boards of election to directly mail primary ballots to all registered voters who have not already cast a ballot, allow voters who do not receive a ballot in time to cast a vote at the board of elections and select an election date that would allow officials enough time to administer the election and inform voters about the process.

But U.S. District Court Judge Michael Watson provided none of those remedies in a ruling issued late Friday, agreeing with the state that the election was not canceled, and voting was merely extended.
He wrote in the ruling that officials "correctly distinguish between an election modification, which we have here, and an election cancelation."

"COVID19 presented Defendants with an unprecedented situation where in-person voting was no longer safe because of a global-health crisis," he added.

Judge Watson also rejected the contention that Secretary of State Frank LaRose should mail absentee ballots directly to voters, noting that it is a primary election.

"If voters did not request a particular ballot, they would not be able to register with one of the political parties. Moreover, Secretary LaRose would have to mail up to four separate ballots to every voter," he wrote. "It would require a massive undertaking to print and mail so many ballots to voters, not to mention the confusion it would cause given that voters are only allowed to submit one of the ballots. Mailing up to four ballots to each voter would inevitably result in the disenfranchisement of some voters who would erroneously return more than one ballot and not have their vote counted at all."

The ACLU of Ohio, the League of Women Voters, the Ohio A. Philip Randolph Institute and Lawyers’ Committee for Civil Rights Under Law issued a joint statement expressing disappointment with the decision.

"We will be watching the execution of the April 28 primary closely. If Ohio's process prevents people from voting, it will have denied its citizens' fundamental rights. And the state will hear from us," they said.

"Come November, the state will absolutely need to be better prepared to make the general election free, fair, and accessible to all voters. The Court gave Ohio leeway here due to the highly unique circumstances surrounding the primary. The calculus will be very different for the general election."

The day before in-person voting was supposed to take place, Gov. Mike DeWine announced the filing of a lawsuit in Franklin County seeking to push the election date to June 2. However, that effort came up short, leading Department of Health Director Amy Acton to order all polling locations closed.

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