



## Ohio Revised Code Section 113.61 Provisions.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

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(A) A pay for success contract entered into under section 113.60 of the Revised Code shall include provisions that do all of the following:

(1) Require the treasurer of state, in consultation with the requesting state agency or agencies and the director of administrative services, or in consultation with the requesting political subdivision or group of political subdivisions, to specify performance targets to be met by the service provider. If scientifically valid regional or national data are available to compare the status of this state or the relevant area of this state with respect to the issue the contract is meant to address against the status of other geographical areas with respect to that issue, the performance targets shall require the improvement in the status of this state or the relevant area of this state with respect to that issue to be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract.

(2) Specify the process or methodology that an independent evaluator contracted by the treasurer of state under division (B) of this section must use to evaluate whether the service provider has met each performance target;

(3) Require the treasurer of state to pay the service intermediary in installments at times determined by the treasurer that are specified in the contract and are consistent with applicable state law;

(4) Require the installment payments to the service intermediary to be based on whether the service provider has met each performance target, as determined by the independent evaluator;

(5) Specify the maximum amount a service intermediary may earn for meeting the performance targets;

(6) Require a state agency, political subdivision, or group that requested the treasurer of state and, as applicable, the director of administrative services to enter into the contract to determine, in



accordance with applicable laws, to which data in the possession of the state agency, political subdivision, or group the service intermediary shall have access for the purpose of fulfilling the contract and any limitations on the use of the data. The state agency, political subdivision, or group shall retain control over the data and shall provide the data directly to the service intermediary in accordance with the terms of the contract. If any dispute arises concerning the data, the state agency, political subdivision, or group shall work directly with the service intermediary to resolve the dispute.

(B) When the treasurer of state and, as applicable, the director of administrative services contract with a service intermediary under section 113.60 of the Revised Code, the treasurer of state and, as applicable, the director also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer and, as applicable, the director to enter into the contract, to evaluate whether the service provider has met each performance target specified in the contract. The treasurer and, as applicable, the director shall choose an evaluator that is independent from the service intermediary and the service provider, ensuring that the evaluator does not have common owners or administrators, managers, or employees with the service intermediary or the service provider.