

Ohio Association of Ambulatory Surgical Centers

Report created on Feb 24, 2014

HB59 BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium

beginning July 1, 2013, and ending June 30, 2015; to provide authorization and

conditions for the operation of state programs.

Current Status: 6/30/2013 - SIGNED BY GOVERNOR; Eff. 6/30/2013; Some Eff.

9/29/2013; Others Various Dates

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130 HB 59

HB176 MEDICAID REFORMS (SEARS B) To require the Medical Assistance Director to implement Medicaid reforms, to permit the Medicaid program to cover an additional group under certain

circumstances, to revise the duties of the Joint Legislative Committee on Medicaid Technology and Reform, and to make an appropriation.

Current Status: 10/16/2013 - House Health and Aging, (First Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130 HB 176

HB200 ABORTION NOTIFICATION REQUIREMENTS (HOOD R) To modify the notification

requirements given by a physician 48 hours prior to the performance or inducement of an abortion, to require the physician to perform an obstetric ultrasound examination 48 hours prior to the performance or inducement of an abortion, to modify the definition of medical emergency that applies to the law regulating abortion, and to eliminate medical necessity as a reason to

perform an abortion without complying with the 48-hour notification requirements. **Current Status:** 6/19/2013 - House Health and Aging, (First Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130 HB 200

HB341 SCHEDULE II DRUG PRESCRIPTIONS (SMITH R) To prohibit a controlled substance that is a

schedule II drug or contains opioids from being prescribed or dispensed without review of patient information in the State Board of Pharmacy's Ohio Automated Rx Reporting System.

Current Status: 2/24/2014 - House Health and Aging, (Third Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_341

SB206 MEDICAID (BURKE D, CAFARO C) To require implementation of certain Medicaid revisions,

reform systems, and program oversight, and to make an appropriation.

Current Status: 12/19/2013 - **SIGNED BY GOVERNOR**

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_206

INCOME TAX RATE REDUCTION (WIDENER C) To provide for a permanent income tax rate **SB210**

reduction of 4% for all tax brackets beginning in 2014.

Current Status: 2/25/2014 - Senate Finance, (Fourth Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_210

SB214 SURGICAL TECHNOLOGY (LEHNER P) Regarding the practice of surgical technology in hospitals and ambulatory surgical facilities.

Current Status: 1/22/2014 - Senate Medicaid, Health and Human Services, (Third

Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_214

Week in Review Friday, February 21, 2014

AGRICULTURE

Lt. Gov. Mary Taylor told a crowd of farmers Wednesday that while she did not grow up on a farm herself, she values many of the lessons taught by members of her family who have worked and continue to work on farms. "I can certainly respect and appreciate what you do every day, and the hard work and commitment it takes in order for you to be successful," Taylor told members of the Ohio Farm Bureau Federation (OFBF) as the keynote speaker at the organization's Ag Day at the Capitol event.

ARTS

The board of the Ohio Arts Council announced Tuesday that Donna Collins will replace Executive Director Julie Henahan, who plans to retire in July after 30 years with the council. Collins has served as executive director of the Ohio Alliance for Arts Education since 1998 and executive director of Ohio Citizens for the Arts and Foundation since 2001.

ATTORNEY GENERAL

Attorney General (AG) Mike DeWine said Tuesday that a third individual has been indicted in connection with the improper use of more than \$200,000 in scholarship funding meant for student athletes graduating from Mansfield Senior High School, according to a release from the AG's office.

Attorney General Mike DeWine said Wednesday the state has reached a \$1.5 million settlement with a Toledo manufacturing company for unpaid loans. The settlement resolves collections actions against Buckeye Silicon for loans owed to the Ohio Development Services Agency (DSA) and the Ohio Air Quality Development Authority (OAQDA).

AUDITOR OF STATE

Three financial audits released Thursday, Feb. 13 by Auditor of State Dave Yost detail why five administrators of the Lion of Judah Academy in Cuyahoga County were indicted on charges related to nearly \$1.3 million in findings for recovery. The audits, which covered 2007-2010, identified practices known as "kickbacks" where administrators, including Romey Coles, superintendent of the now closed academy, would receive money from payments made to contracted companies.

BALLOT ISSUES

The Ohio Ballot Board Wednesday approved the arguments for and against as well as the ballot language for State Issue 1, the renewal of the State Capital Improvement Program (SCIP) that will appear on the May 6 primary ballot.

The committee that will push Issue 1 on the May 6 primary ballot, Strong Ohio Communities, was announced Thursday and will include AFL-CIO President Tim Burga, Ohio Chamber of Commerce President Andrew Doehrel, Columbus Mayor Michael Coleman and Hamilton County Commissioner Greg Hartmann as its honorary chairs.

BUSINESS/CORPORATE

VentureOhio, a newly formed trade association representing organizations that finance and support entrepreneurs based in Ohio, announced its formation, explaining that it will pursue several key policy initiatives and programs for 2014. "These policies will increase early stage capital availability and promote entrepreneurial growth and job creation in Ohio," said John McIlwraith, VentureOhio chairman and Allos Ventures managing director. Former JobsOhio chief, Mark Kvamme, is vice chair of the group.

CHILDREN

A panel of social service and early education stakeholders Wednesday addressed the issue of Ohio kindergartners coming to school for the first time lacking the appropriate social and emotional readiness, and in some cases, even the physiological inability to effectively learn in a regular classroom setting.

ECONOMIC DEVELOPMENT

The Ohio Third Frontier Commission announced the approval of more of than \$15.8 million to fund technology companies and start-ups.

The head of Cheryl's Cookies' parent company said at an expansion announcement event Tuesday that the company would not have settled on expanding in Westerville if not for the work of JobsOhio and John Minor, the agency's president.

EDUCATION

A week after delaying legislation that would give school districts extra calamity days to deal with lost days due to a brutal winter, the House passed an amended version that would give students extra days but require teachers to work two of those days. Meanwhile, the Ohio Senate introduced its own version of calamity days, SB284 (Coley), with the Senate Education Committee holding an informal hearing on the bill.

Three schools -- Milton-Union Exempted Village School (Miami County), West Geauga High School (Geauga County) and Metro Catholic School (Cuyahoga County) -- have been selected as Ohio's honorees for the 2014 U.S. Green Ribbon Schools award. They are being honored for their work to produce energy-efficient, sustainable and healthy school environments for their students, schools and communities. All three schools have been nominated for national recognition to be awarded by the U.S. Department of Education in April.

Columbus Mayor Michael B. Coleman Tuesday announced that he has appointed Columbus Education Association (CEA) President Rhonda Johnson to the new position of director of education beginning in June.

ELECTIONS

The House approved two more Senate bills addressing election reforms over the objections of Democrats in a tense session that saw the debate on both bills end with a motion to call the question by House Speaker Pro Tem Matt Huffman (R-Lima). The debate on SB205 (Coley) and SB238 (LaRose) had been set up in the weeks before the floor session, with Democrats holding a press conference last week to complain about the process on moving the bills and Republicans following up with their own press conference Wednesday defending it. The Senate concurred with House amendments later Wednesday, sending both bills to the governor.

ELECTIONS 2012

The Federal Elections Commission (FEC) fined the campaign of U.S. Rep. Jim Renacci (R-Wadsworth) \$9,749 for failing to file a required document for a 2012 contribution. Federal law requires campaign committees of candidates for federal office to notify within 48 hours the secretary of the Senate or the FEC of any contribution over \$1,000 received by a candidate in the days preceding an election.

ELECTIONS 2014

U.S. Rep. Marcy Kaptur (D-Toledo) will be unopposed in this year's Democratic primary after her likely opponent dropped out. According to the Cuyahoga County Board of Elections, Cory Hoffman withdrew his petitions to run against her.

Although Rep. Rex Damschroder (R-Fremont) faced no opposition for re-election in the 88th House District, problems with his paperwork that caused him to withdraw have brought a new candidate to the race. Bill Reineke, whose family owns the Reineke Family Dealerships in Seneca County, announced that he will file as a Republican write-in candidate for the seat, the *Findlay Courier* reports.

Secretary of State Jon Husted certified statewide candidates for the May ballot Tuesday, showing Democratic gubernatorial candidate Ed FitzGerald as the only candidate to draw a primary, from Dayton man Larry Ealy. Libertarians submitted petitions for all statewide races, but only gubernatorial and attorney general candidates were qualified. The Libertarian Party of Ohio announced plans Thursday to appeal the disqualification of its auditor, secretary of state and treasurer candidates.

Despite having a job approval rating above 50 percent, Gov. John Kasich saw his re-election campaign tighten with Cuyahoga County Executive Ed FitzGerald in a new Quinnipiac University Poll released Wednesday. The latest numbers show Kasich with a 43 percent to 38 percent lead over FitzGerald, a 5-percentage point lead compared to the 7 points he led FitzGerald in a November poll.

With petition problems knocking him off the May primary ballot, Rep. Rex Damschroder (R-Fremont) said Thursday that he plans to have his wife run as a write-in candidate in the primary, and then replace her on the fall ballot.

Endorsements made over the week include the following:

- The United Automobile Workers endorsed Ed FitzGerald for governor.
- The Ohio Chamber of Commerce Political Action Committee endorsed Reps. Dave Hall (R-Millersburg), Dorothy Pelanda (R-Marysville), Cliff Rosenberger (R-Clarksville), Barbara Sears (R-Sylvania), and Peter Stautberg (R-Cincinnati), for re-election.

ELECTIONS 2016

Despite Ohio voters' souring on the job performance of current Democratic President Barack Obama, they are not sour on his former secretary of state and 2008 primary opponent, Hillary Clinton, a new Quinnipiac University poll found. The poll pitted Clinton in hypothetical matchups up against a number of possible Republican contenders, finding her with a healthy lead over all of them.

ENERGY

Duke Energy announced Monday that it has started a "strategic process to exit its Midwest commercial generation business," a move that will see the utility divest its ownership interest in 13 power plants, including 11 in Ohio. The 13 power plants, which also include facilities in Illinois and Pennsylvania, have a total capacity of approximately 6,600 megawatts. They are owned or partially owned by Duke Energy Ohio and reported in the company's Commercial Businesses unit. The plants are dispatched into the wholesale power market by PJM.

A trio of 127-SB221 (Schuler) detractors made the rounds in House and Senate committees Wednesday, telling lawmakers the advance energy rollback of companion bills SB58 (Seitz) and HB302 (Stautberg) will save Ohio from false utility savings and dubious economic claims by alternative energy proponents. The triumvirate of President Jonathan Lesser of Continental Economics, Inc., Research Director Michael Jones of the University of Cincinnati Economics Center, and Executive Director Kevin Murray of Industrial Energy Users-Ohio spoke in tandem before both public utilities committees, giving a topical presentation in the House and testimony on SB58 in the Senate.

GENERAL ASSEMBLY/STATEHOUSE

Rep. Jeff McClain (R-Upper Sandusky) is the new chairman of the House Ways and Means Committee, after Rep. Peter Beck (R-Mason) relinquished the role in the face of new indictments against him in a securities fraud case. Rep. Gary Scherer (R-Circleville) will take the vice chairmanship from Rep. Terry Boose (R-Norwalk), who will get McClain's spot as vice chairman of House Finance and Appropriations Committee.

Wednesday's Senate session included passage of HB170 (Johnson-Stinziano), which lets EMTs administer naloxone to stop overdoses and makes the drug available to family and friends of heroin addicts; SB43 (Burke-Tavares), which addresses civil commitment for treatment of mentally ill people; SB231 (Gardner-Hite), which addresses distributing proceeds from the sale of school property; SB275 (Hite), which designates March 9 as Meningitis Awareness Day in memory of his niece who died on that day in 1999; and HCR40 (Schuring-Ramos), which is meant to educate officials and the public on new pension accounting standards.

According to the Capitol Square Review and Advisory Board (CSRAB), beginning Thursday, Feb. 20, access to the second floor Statehouse Atrium catwalks was limited to individuals with an official Statehouse ID badge issued by the board. In addition, the side doors to both the Senate Building and Atrium are now alarmed and will sound if anyone exits through them

Even as the governor, his staff and cabinet and members of the Ohio General Assembly and scores of others prepare to journey to Medina on Monday, Feb. 24 for the 2014 "State of the State" address, Rep. Ron Gerberry (D-Austintown) re-introduced legislation Tuesday that would require those joint sessions be held in Columbus in the chambers of the House of Representatives.

In other legislative action, the House State and Local Government Committee reported out HB289 (Schuring), which deals with joint economic development zones and districts; SB155 (Burke), which deals with joint board of county commissioners ditch maintenance meetings; and SB179 (Eklund), which deals with water recycling; House Transportation, Public Safety and Homeland Security Committee reported out HCR45 (Perales), which deals with unmanned aircraft testing; SB106 (Schaffer), which prohibits driving into high water locations; as well as highway naming and license plate creation measures HB45 (Johnson), HB306 (McGregor), SB185 (Faber), HB209 (Manning), SB222 (LaRose) and SB226 (Beagle); Senate Transportation Committee reported out SCR27 (Seitz), which declares Ohio's opposition to a federal mandate on suspending drivers licenses; House Education Committee reported out HB334 (Hayes), which deals with expulsions; House Health and Aging Committee reported out HB342 (Brenner-Driehaus), which deals with the Straight A Fund; and SB96 (LaRose), which addresses social studies curriculum; and the Senate Public Safety, Local Government and Veterans Affairs Committee reported out HCR21 (Batchelder-Johnson), which urges federal action to reduce the backlog of veteran disability claims; and HCR24 (Milkovich-Johnson), which urges the federal government to rescue prisoner of war Sgt. Bowe Bergdahl.

GOVERNOR

Gov. John Kasich signed the following bills: SB198 (Jones-Tavares), which designates October as Sudden Infant Death Syndrome Awareness Month; SB98 (Obhof-Kearney), which deals with statutory agents; HB139 (Gonzales-Wachtmann), which addresses hospital admissions; and HB123 (Gonzales), which addresses health care peer review committees and Medicaid coverage of telehealth services.

Gov. John Kasich Friday extended his previous emergency declaration to help expedite shipments of propane gas until March 1. The governor issued the original declaration in January to help ease tight propane gas supplies due to cold weather that has plagued Ohio throughout winter. The declaration allows commercial vehicles transporting propane to more quickly deliver supplies.

The governor made the following appointments during the week:

- Jennifer Klein of Columbus (Franklin County) was reappointed to the State Emergency Response Commission for a term beginning Feb. 14, 2014 and ending Jan. 13, 2016.
- Russell J. Decker of Lima (Allen County) to the State Emergency Response Commission for a term beginning Feb. 18, 2014 and ending Jan. 12, 2016.
- Helen Forbes Fields of East Cleveland (Cuyahoga County) to the Financial Planning and Supervision Commission of the City of East Cleveland for a term beginning Feb, 19, 2014 and continuing at the pleasure of the governor.
- Mark R. Rowland of Columbus (Franklin County) reappointed to the Ohio Geology Advisory Council for a term beginning Feb. 19, 2014 and ending May 3, 2015.

HEALTH & HUMAN SERVICES

The House Health and Aging Committee's Opiate Addiction Treatment and Reform Subcommittee Tuesday completed work on HB341, which deals with opiate prescribing, agreeing to send a substitute bill on to the full committee. The full committee then scheduled HB341 where the substitute bill was accepted.

HIGHER EDUCATION

Just seven months into the job, Randy Dunn announced plans to resign the presidency of Youngstown State University in August to become president of Southern Illinois University.

The University of Cincinnati noted that aerospace engineering professor Grant Schaffner was on the design team for the skeleton sled that American Olympian Matt Antoine rode to win a bronze medal at the Sochi games.

Hiram College announced recently the selection of Lori Varlotta, Ph.D., as the 22nd president of the institution. Varlotta, 50, is the first woman president in Hiram history. She is currently the senior vice president for planning, enrollment management and student affairs at California State University, Sacramento. She will succeed Tom Chema, who is retiring after 11 years in the position.

The University of Toledo College of Law announced that it has capped tuition for new full-time students who are residents of Ohio or Michigan entering in fall 2014 at no more than \$17,900 per year for all three years of law school.

Allan M. Boike has been named dean of Kent State University's College of Podiatric Medicine. Boike currently serves as the director of the podiatric medical and surgical residency training programs and section head of Podiatric Medicine and Surgery in the Foot and Ankle Center of the Orthopedic and Rheumatology Institute at the Cleveland Clinic. His primary practice locations are at the Cleveland Clinic's main campus and the Strongsville Family Health Center.

Trevor L. Brown is the new director of Ohio State's John Glenn School of Public Affairs effective March 1, the university announced. Brown joined Ohio State's faculty as assistant professor in the former School of Public Policy and Management (PPM) in 2001. PPM merged with the John Glenn Institute for Public Service and Public Policy in 2006.

Kent State University's (KSU) May 4 Visitors Center was recently recognized with two awards -- one for the visitors center and one for a student-perspective film in the center's exhibit.

Otterbein University will offer a new major in systems engineering beginning in fall 2015. Students will have the option to enroll in Otterbein's four-year program, or in a pathway program being developed in partnership with Columbus State Community College (CSCC), the university explained in a release.

JUDICIAL

The Supreme Court of Ohio will ask the General Assembly to consider legislation granting courts specific authority to relocate from existing facilities in "any extraordinary circumstance" that threatens to disrupt their proceedings. The legislation would mirror a separate rule change by the Court allotting the chief justice power to declare a "judicial emergency" in such circumstances for an indefinite period of time.

The Supreme Court of Ohio moved forward Wednesday on a special commission to weigh the suspension of Athens County Sheriff Patrick Kelly. It appointed retired Judges Neal Bronson, Jennifer Sargus and John Bender to review a 25-count indictment against Kelly that includes engaging in a pattern of corrupt activity, theft in office and money laundering.

Ohio Supreme Court Chief Justice Maureen O'Connor assured members of the Ohio Criminal Sentencing Commission (OCSC) Thursday the new commission proposed by her office does not represent an unconstitutional blurring of lines between the legislative and judicial branches. She acknowledged at the same time that the Court would appoint its own staff to facilitate the commission as a "consultant" to the Legislature on a much larger set of statutory concerns than currently handled by OCSC.

The Board of Commissioners on Grievances & Discipline, the Ohio Supreme Court panel that reviews disciplinary complaints against judges and attorneys, made further strides in 2013 to clear its dockets and reduce its budget while sending 69 formal complaints to the Court, according to its report for 2013. The group also limited the use of �judge� by retired jurists and allowed unsolicited smart phone texts for legal advertising. The board now awaits Supreme Court approval of new rules that would alter confidentiality standards for public record access to disciplinary files. For the second year in row, the board was able to reduce its active caseload by more than

27 percent, disposing of 89 total cases with 20 dismissals, including seven due to bar resignations prior to hearing.

MEDICAID EXPANSION/REFORM

The Ohio Department of Medicaid released numbers that showed 23,156 Ohioans newly eligible under the Medicaid program gained coverage in January, the first month of expansion under the federal Affordable Care Act (ACA). Under ACA provisions adopted by the Kasich administration, Ohioans up to 138 percent of the federal poverty line are now eligible for Medicaid benefits. The controversial move by the Kasich administration was approved by the Controlling Board in October, and the Ohio Supreme Court later upheld the move when it threw out a lawsuit by Republican lawmakers.

MID-BIENNIUM REVIEW (MBR)

Senate Democratic leaders outlined several areas Thursday that they say need to be addressed in the upcoming mid-biennium review (MBR) budget bill, expected to be outlined in the governor's "State of the State" address set for Monday, Jan. 24 in Medina. Senate Democrats' priorities include taxes, jobs, health care and education.

NATURAL RESOURCES

ProgressOhio and other advocates released documents showing the Ohio Department of Natural Resources (ODNR) had considered a plan in 2012 to help sell the public on plans to allow oil and gas drilling in state parks while seeking to counter criticism from legislators and environmental groups -- a plan they objected to because it was developed by the state agency charged with regulating the industry. The administration said it had not been implemented, with it coming out that the governor had 18 months reversed his position on drilling in state parks. However, on Tuesday, Reps. Robert Hagan (D-Youngstown) and Nickie Antonio (D-Lakewood) called on House Speaker William Batchelder (R-Medina) to hold hearings on the administration's draft plan.

NONPROFITS

A panel of five witnesses testified for an hour and a half Tuesday before the House Finance and Appropriations Committee, making their case for the state's enacting an income tax credit for donations made to the permanent endowment fund of an eligible community foundation through passage of HB408.

PENSION FUNDS

Trustees of the State Teachers Retirement System will send a letter to lawmakers Friday outlining possible approaches for bringing the pension within statutory funding guidelines, but they weren't willing to fully commit to a plan at Thursday's meeting. Shifting money from retiree health care into paying pension benefits drew the greatest consideration from trustees at the meeting.

PEOPLE

The National Park Service (NPS) recently named Craig Kenkel as the new superintendent of Cuyahoga Valley National Park headquartered in Brecksville OH. Currently superintendent at San Francisco Maritime National Historical Park in San Francisco, Kenkel succeeds Stanley Austin, who became the National Park Service Southeast Regional Director in July 2013. He begins this new assignment sometime this spring.

The Ohio State Bar Association (OSBA) announced more staff changes Thursday after an organizational restructuring in January. New assignments include association veteran Melissa Quick, who assumes management responsibility for OSBA committees and sections in addition to her previous role as certification program administrator. In addition, Christopher Roudez will become OSBA's committee, section and specialization services coordinator and Jon Berrien, videographer and digital journalist.

PUBLIC SAFETY

Local government and public safety officials argued Wednesday against a proposed ban on traffic cameras but invited lawmakers to step in with a regulatory framework that sets standards and addresses complaints of abusive, revenue-driven programs. Wednesday's Senate State Government Oversight and Reform Committee

hearing on the ban proposed in HB69 (Maag-Mallory) started with a legal memo from the Legislative Service Commission, which flagged possible violations in the bill of the Ohio Constitution's home rule guarantees.

SECRETARY OF STATE

Secretary of State Jon Husted announced that 7,780 new entities filed to do business in Ohio in January 2014. These numbers are down slightly compared to January 2013, in which 8,060 new entities filed with the secretary of state's office, according to a release from Husted's office.

STATE GOVERNMENT

The Ohio Inspector General (IG) released a report Tuesday that found an information technology (IT) contractor hired by the Ohio Department of Transportation (ODOT) overbilled the agency because inaccurate time records were kept.

TAXATION

The Ohio Department of Job and Family Services (ODJFS) announced that it will be looking to take the federal tax returns of individuals who have committed unemployment compensation fraud beginning this year. Dubbed the Treasury Offset Program (TOP), the effort is expected to bring back tens of millions of dollars, ODJFS said. The agency noted it already takes state income tax refunds and lottery winnings from those convicted of fraud, and can take legal action to seek restitution.

TRANSPORTATION

A request from the Ohio Department of Transportation (ODOT) to provide road salt to local communities in need received no bids from salt companies, according to a release from the agency. ODOT recently asked salt companies to bid on 10,000 ton increments of salt to be delivered to seven strategic locations during three rounds.

The Ohio Turnpike and Infrastructure Commission accepted a resolution Wednesday authorizing the commission to "take whatever actions are necessary" to replenish its road salt supply for the 2013/2014 season if it runs out of sodium chloride, though the commission expects not to need additional salt.

UNEMPLOYMENT COMPENSATION

U.S. Sen. Rob Portman (R-OH) blamed Democrats for the Senate's failure to pass an extension for long-term unemployment insurance (UI), saying "unfortunately, I think this has become more about politics than about actually getting something done." Previously, a bill that would have extended UI for three months, paying for it with "pension smoothing," failed by one vote to reach the 60 years necessary to avoid a Republican filibuster. Portman voted against the legislation.

UTILITIES

The outgoing chairman of the Public Utilities Commission of Ohio (PUCO) made good on a parting promise Thursday with the rollout of a new "user-friendly" Energy Choice Ohio website for consumers considering a change in their electric and natural gas suppliers. New tools at www.energychoice.ohio.gov help customers understand their consumer rights; the nature of electric and natural gas competition and how to switch suppliers; and the meaning of "aggregation," the commission said. It adds a "frequently asked questions" page of public queries from all 88 Ohio counties that PUCO received during consumer education workshops on energy choice.

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