

OPINIONS OF THE SUPREME COURT OF OHIO

The full texts of the opinions of the Supreme Court of Ohio are being transmitted electronically beginning May 27, 1992, pursuant to a pilot project implemented by Chief Justice Thomas J. Moyer.

Please call any errors to the attention of the Reporter's Office of the Supreme Court of Ohio. Attention: Walter S. Kobalka, Reporter, or Deborah J. Barrett, Administrative Assistant. Tel.: (614) 466-4961; in Ohio 1-800-826-9010. Your comments on this pilot project are also welcome.

NOTE: Corrections may be made by the Supreme Court to the full texts of the opinions after they have been released electronically to the public. The reader is therefore advised to check the bound volumes of Ohio St.3d published by West Publishing Company for the final versions of these opinions. The advance sheets to Ohio St.3d will also contain the volume and page numbers where the opinions will be found in the bound volumes of the Ohio Official Reports.

Ohio Academy of Nursing Homes, Inc., Appellee, v. Barry, Director, et al., Appellants.

[Cite as Ohio Academy of Nursing Homes, Inc. v. Barry (1994), Ohio St.3d .]

Appellate procedure -- Court of appeals judgment affirmed when issue presented in appeal has been decided in the previous appeal of the cause.

(No. 93-1411 -- Submitted October 12, 1994 -- Decided November 16, 1994.)

Appeal from the Court of Appeals for Franklin County, No. 92AP-1266.

Geoffrey E. Webster; Terry Tataru Co., L.P.A., and Terry Tataru, for appellee.

Lee Fisher, Attorney General; Climaco, Climaco, Seminatore, Lefkowitz & Garofoli Co., L.P.A., Paul S. Lefkowitz, Kenneth F. Seminatore and Jack D. Maistros, for appellants.

Peter E. Van Runkle, urging affirmance for amicus curiae, Ohio Health Care Association.

The judgment of the court of appeals is affirmed. The issue presented in this appeal has been decided in the previous appeal of this cause, Ohio Academy of Nursing Homes, Inc. v. Barry (1990), 56 Ohio St.3d 120, 564 N.E.2d 686. See, also, Ohio Hosp. Assn. v. Ohio Dept. of Human Serv. (1991), 62 Ohio St.3d 97, 579 N.E.2d 695.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick and Pfeifer, JJ., concur.

F.E. Sweeney, J., dissents and would reverse the court of appeals.