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Am. S. B. No. 71

Senator Manning

Cosponsors: Senators Brown, Hoagland, Huffman, Yuko, Tavares, Hackett, Beagle, Burke, Coley, Dolan, Eklund, Hite, Obhof, O'Brien, Oelslager, Terhar, Wilson Representatives Anielski, Hambley, Carfagna, Antonio, Arndt, Brenner, Brown, Craig, Gavarone, Ginter, Green, Greenspan, Holmes, Johnson, LaTourette, Leland, Lepore-Hagan, Manning, O'Brien, Patterson, Patton, Perales, Reineke, Riedel, Rogers, Schuring, Smith, R., Strahorn, Sweeney, Thompson, West, Wiggam, Young

A BILL

To amend the versions of sections 340.03 and 1
340.041 of the Revised Code scheduled to take 2
effect on July 1, 2017, to allow a board of 3
alcohol, drug addiction, and mental health 4
services to authorize its executive director to 5
execute contracts valued at \$25,000 or less 6
without the board's prior approval and to allow 7
temporary cash transfers to the Targeting 8
Addiction Assistance Fund. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That the versions of sections 340.03 and 10
340.041 of the Revised Code scheduled to take effect on July 1, 11
2017, be amended to read as follows: 12

Sec. 340.03. (A) Subject to rules issued by the director 13
of mental health and addiction services after consultation with 14

relevant constituencies as required by division (A) (10) of 15
section 5119.21 of the Revised Code, each board of alcohol, drug 16
addiction, and mental health services shall: 17

(1) Serve as the community addiction and mental health 18
planning agency for the county or counties under its 19
jurisdiction, and in so doing it shall: 20

(a) Evaluate the need for facility services, addiction 21
services, mental health services, and recovery supports; 22

(b) In cooperation with other local and regional planning 23
and funding bodies and with relevant ethnic organizations, 24
evaluate strengths and challenges and set priorities for 25
addiction services, mental health services, and recovery 26
supports. A board shall include treatment and prevention 27
services when setting priorities for addiction services and 28
mental health services. When a board sets priorities for 29
addiction services, the board shall consult with the county 30
commissioners of the counties in the board's service district 31
regarding the services described in section 340.15 of the 32
Revised Code and shall give priority to those services, except 33
that those services shall not have a priority over services 34
provided to pregnant women under programs developed in relation 35
to the mandate established in section 5119.17 of the Revised 36
Code. 37

(c) In accordance with guidelines issued by the director 38
of mental health and addiction services under division (F) of 39
section 5119.22 of the Revised Code, annually develop and submit 40
to the department of mental health and addiction services a 41
community addiction and mental health plan that addresses both 42
of the following: 43

(i) The needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, and the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code;

(ii) The department's priorities for facility services, addiction services, mental health services, and recovery supports during the period for which the plan will be in effect. The department shall inform all of the boards of the department's priorities in a timely manner that enables the boards to know the department's priorities before the boards develop and submit the plans.

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction plan and the community mental health board shall submit a community mental health plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction and mental health systems and populations with regard to needs and priorities in developing its plan.

The department shall approve or disapprove the plan, in whole or in part, in accordance with division (G) of section 5119.22 of the Revised Code. Eligibility for state and federal funding shall be contingent upon an approved plan or relevant part of a plan.

If a board determines that it is necessary to amend an approved plan, the board shall submit a proposed amendment to

the director. The director shall approve or disapprove all or 74
part of the amendment in accordance with division (H) of section 75
5119.22 of the Revised Code. 76

The board shall operate in accordance with the plan 77
approved by the department. 78

(d) Promote, arrange, and implement working agreements 79
with social agencies, both public and private, and with judicial 80
agencies. 81

(2) Investigate, or request another agency to investigate, 82
any complaint alleging abuse or neglect of any person receiving 83
addiction services, mental health services, or recovery supports 84
from a community addiction services provider or community mental 85
health services provider or alleging abuse or neglect of a 86
resident receiving addiction services or with mental illness or 87
severe mental disability residing in a residential facility 88
licensed under section 5119.34 of the Revised Code. If the 89
investigation substantiates the charge of abuse or neglect, the 90
board shall take whatever action it determines is necessary to 91
correct the situation, including notification of the appropriate 92
authorities. Upon request, the board shall provide information 93
about such investigations to the department. 94

(3) For the purpose of section 5119.36 of the Revised 95
Code, cooperate with the director of mental health and addiction 96
services in visiting and evaluating whether the certifiable 97
services and supports of a community addiction services provider 98
or community mental health services provider satisfy the 99
certification standards established by rules adopted under that 100
section; 101

(4) In accordance with criteria established under division 102

(D) of section 5119.22 of the Revised Code, conduct program 103
audits that review and evaluate the quality, effectiveness, and 104
efficiency of addiction services, mental health services, and 105
recovery supports provided by community addiction services 106
providers and community mental health services providers under 107
contract with the board and submit the board's findings and 108
recommendations to the department of mental health and addiction 109
services; 110

(5) In accordance with section 5119.34 of the Revised 111
Code, review an application for a residential facility license 112
and provide to the department of mental health and addiction 113
services any information about the applicant or facility that 114
the board would like the department to consider in reviewing the 115
application; 116

(6) Audit, in accordance with rules adopted by the auditor 117
of state pursuant to section 117.20 of the Revised Code, at 118
least annually all programs, addiction services, mental health 119
services, and recovery supports provided under contract with the 120
board. In so doing, the board may contract for or employ the 121
services of private auditors. A copy of the fiscal audit report 122
shall be provided to the director of mental health and addiction 123
services, the auditor of state, and the county auditor of each 124
county in the board's district. 125

(7) Recruit and promote local financial support for 126
addiction services, mental health services, and recovery 127
supports from private and public sources; 128

(8) In accordance with guidelines issued by the department 129
as necessary to comply with state and federal laws pertaining to 130
financial assistance, approve fee schedules and related charges 131
or adopt a unit cost schedule or other methods of payment for 132

addiction services, mental health services, and recovery 133
supports provided by community addiction services providers and 134
community mental health services providers that have contracted 135
with the board under section 340.036 of the Revised Code; 136

(9) Submit to the director and the county commissioners of 137
the county or counties served by the board, and make available 138
to the public, an annual report of the addiction services, 139
mental health services, and recovery supports under the 140
jurisdiction of the board, including a fiscal accounting; 141

(10) Establish a method for evaluating referrals for 142
court-ordered treatment and affidavits filed pursuant to section 143
5122.11 of the Revised Code in order to assist the probate 144
division of the court of common pleas in determining whether 145
there is probable cause that a respondent is subject to court- 146
ordered treatment and whether alternatives to hospitalization 147
are available and appropriate; 148

(11) Designate the treatment services, provider, facility, 149
or other placement for each person involuntarily committed to 150
the board pursuant to Chapter 5122. of the Revised Code. The 151
board shall provide the least restrictive and most appropriate 152
alternative that is available for any person involuntarily 153
committed to it and shall assure that the list of addiction 154
services, mental health services, and recovery supports 155
submitted and approved in accordance with division (B) of 156
section 340.08 of the Revised Code are available to severely 157
mentally disabled persons residing within its service district. 158
The board shall establish the procedure for authorizing payment 159
for the services and supports, which may include prior 160
authorization in appropriate circumstances. In accordance with 161
section 340.037 of the Revised Code, the board may provide 162

addiction services and mental health services directly to a 163
severely mentally disabled person when life or safety is 164
endangered and when no community addiction services provider or 165
community mental health services provider is available to 166
provide the service. 167

(12) Ensure that housing built, subsidized, renovated, 168
rented, owned, or leased by the board or a community addiction 169
services provider or community mental health services provider 170
has been approved as meeting minimum fire safety standards and 171
that persons residing in the housing have access to appropriate 172
and necessary services, including culturally relevant services, 173
from a community addiction services provider or community mental 174
health services provider. This division does not apply to 175
residential facilities licensed pursuant to section 5119.34 of 176
the Revised Code. 177

(13) Establish a mechanism for obtaining advice and 178
involvement of persons receiving addiction services, mental 179
health services, or recovery supports on matters pertaining to 180
services and supports in the alcohol, drug addiction, and mental 181
health service district; 182

(14) Perform the duties required by rules adopted under 183
section 5119.22 of the Revised Code regarding referrals by the 184
board or community mental health services providers under 185
contract with the board of individuals with mental illness or 186
severe mental disability to class two residential facilities 187
licensed under section 5119.34 of the Revised Code and effective 188
arrangements for ongoing mental health services for the 189
individuals. The board is accountable in the manner specified in 190
the rules for ensuring that the ongoing mental health services 191
are effectively arranged for the individuals. 192

(B) Each board of alcohol, drug addiction, and mental health services shall establish such rules, operating procedures, standards, and bylaws, and perform such other duties as may be necessary or proper to carry out the purposes of this chapter.

(C) A board of alcohol, drug addiction, and mental health services may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established, and may hold and apply it according to the terms of the gift, grant, or bequest. All money received, including accrued interest, by gift, grant, or bequest shall be deposited in the treasury of the county, the treasurer of which is custodian of the alcohol, drug addiction, and mental health services funds to the credit of the board and shall be available for use by the board for purposes stated by the donor or grantor.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with

respect to any criminal action or proceeding, had no reasonable 224
cause to believe the conduct was unlawful. 225

(E) The meetings held by any committee established by a 226
board of alcohol, drug addiction, and mental health services 227
shall be considered to be meetings of a public body subject to 228
section 121.22 of the Revised Code. 229

(F)(1) A board of alcohol, drug addiction, and mental 230
health services may establish a rule, operating procedure, 231
standard, or bylaw to allow the executive director of the board 232
to execute both of the following types of contracts valued at 233
twenty-five thousand dollars or less, as determined by the 234
board, on behalf of the board without the board's prior 235
approval: 236

(a) Emergency contracts for clinical services or recovery 237
support services; 238

(b) Standard service contracts pertaining to the board's 239
operations. 240

(2) If a board establishes a rule, operating procedure, 241
standard, or bylaw under division (F)(1) of this section, both 242
of the following shall be the case: 243

(a) The board shall define the scope of contracts 244
described in divisions (F)(1)(a) and (b) of this section in that 245
rule, operating procedure, standard, or bylaw. 246

(b) The board shall disclose the existence of a contract 247
executed pursuant to the rule, operating procedure, standard, or 248
bylaw at the first board meeting that occurs after the contract 249
was executed and ensure that a record of that disclosure is 250
included in the written minutes of that meeting. 251

Sec. 340.041. In addition to such other duties as may be 252
lawfully imposed, the executive director of a board of alcohol, 253
drug addiction, and mental health services shall: 254

(A) Serve as executive officer of the board and, subject 255
to the prior approval of the board for each contract, except 256
contracts, if any, to which division (F) of section 340.03 of 257
the Revised Code applies, execute contracts on its behalf; 258

(B) Supervise addiction services, mental health services, 259
recovery supports, and facilities provided, operated, 260
contracted, or supported by the board to the extent of 261
determining that services, supports, and facilities are being 262
administered in conformity with this chapter and rules of the 263
director of mental health and addiction services; 264

(C) Provide consultation to community addiction services 265
providers and community mental health services providers; 266

(D) Recommend to the board the changes necessary to 267
increase the effectiveness of addiction services, mental health 268
services, and recovery supports and other matters necessary or 269
desirable to carry out this chapter; 270

(E) Employ and remove from office such employees and 271
consultants in the classified civil service and, subject to the 272
approval of the board, employ and remove from office such other 273
employees and consultants as may be necessary for the work of 274
the board, and fix their compensation and reimbursement within 275
the limits set by the salary schedule and the budget approved by 276
the board; 277

(F) Encourage the development and expansion of preventive, 278
treatment, and consultative services, as well as recovery 279
supports, in the fields of addiction services and mental health 280

services with emphasis on continuity of care;	281
(G) Prepare for board approval an annual report of the	282
addiction services, mental health services, recovery supports,	283
and facilities under the jurisdiction of the board, including a	284
fiscal accounting of all services and supports;	285
(H) Conduct such studies as may be necessary and	286
practicable for the promotion of mental health, promotion of	287
addiction services, and the prevention of mental illness,	288
emotional disorders, and addiction;	289
(I) Authorize the county auditor, or in a joint-county	290
district the county auditor designated as the auditor for the	291
district, to issue warrants for the payment of board obligations	292
approved by the board, provided that all payments from funds	293
distributed to the board by the department of mental health and	294
addiction services are in accordance with the budget submitted	295
pursuant to section 340.08 of the Revised Code, as approved by	296
the department of mental health and addiction services.	297
Section 2. That the existing versions of sections 340.03	298
and 340.041 of the Revised Code scheduled to take effect on July	299
1, 2017, are hereby repealed.	300
Section 3. Sections 1 and 2 of this act take effect on	301
July 1, 2017.	302
Section 4. In fiscal year 2018 and fiscal year 2019, the	303
Director of Budget and Management may make temporary transfers	304
of cash from the General Revenue Fund to the Targeting Addiction	305
Assistance Fund (Fund 5TZ0) as necessary to ensure the	306
implementation of the appropriated program in Fund 5TZ0. Prior	307
to the end of fiscal year 2019, the Director shall determine the	308
available balance in Fund 5TZ0 and transfer the lesser of the	309

available balance in Fund 5TZ0 or cash equal to the amount	310
previously transferred to Fund 5TZ0 from the General Revenue	311
Fund back to the General Revenue Fund.	312