(122nd General Assembly)
(Amended Substitute Senate Bill Number 52)

# AN ACT

To amend sections 5107.02, 5115.03, 5120.17, and 5149.03 and to enact sections 3113.16, 5101.20, 5101.21, 5107.36, 5107.37, 5115.04, and 5120.37 of the Revised Code to deny eligibility for certain public assistance to fugitive felons and probation and parole violators; to require the Department of Human Services to exchange data with law enforcement agencies concerning fugitive felons and probation and parole violators; to require the Department to provide information regarding public assistance recipients to law enforcement agencies for purposes of investigations, prosecutions, or criminal or civil proceedings; to require the Department to exchange information regarding public assistance recipients with the Auditor of State and other government entities performing similar functions; to require the Auditor of State to report certain information to the Governor and the General Assembly; to require 25% of all money earned by prisoners to be paid to the state Department of Human Services or a county child support enforcement agency under certain circumstances; to require the Department of Rehabilitation and Correction to enter into agreements to share information with the Department of Human Services; to permit the Department of Rehabilitation and Correction to exchange psychiatric hospitalization and mental health records and information with a county sheriff's office; and to permit the Adult Parole Authority to enter into an agreement with a person or government entity to share information, personnel, and

services for certain purposes.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 5107.02, 5115.03, 5120.17, and 5149.03 be amended and sections 3113.16, 5101.20, 5101.21, 5107.36, 5107.37, 5115.04, and 5120.37 of the Revised Code be enacted to read as follows:

Sec. 3113.16. (A) AS USED IN THIS SECTION:

(1) "CHILD SUPPORT ORDER" HAS THE SAME MEANING AS IN SECTION 2301.373 OF THE REVISED CODE.

(2) "DEFAULT," "OBLIGOR," AND "OBLIGEE" HAVE THE SAME MEANINGS AS IN SECTION 2301.34 OF THE REVISED CODE.

(3) "PRISON," "PRISON TERM," AND "JAIL" HAVE THE SAME MEANINGS AS IN SECTION 2929.01 OF THE REVISED CODE.

(B) NOTWITHSTANDING ANY OTHER SECTION OF THE REVISED CODE, INCLUDING SECTIONS 5145.16 AND 5147.30 OF THE REVISED CODE, TWENTY-FIVE PER CENT OF ANY MONEY EARNED PURSUANT TO SECTION 5145.16 OR 5147.30 OF THE REVISED CODE BY A PRISONER IN A PRISON OR JAIL WHO HAS A DEPENDENT CHILD RECEIVING ASSISTANCE UNDER CHAPTER 5107. OF THE REVISED CODE, SHALL BE PAID TO THE STATE DEPARTMENT OF HUMAN SERVICES.

(C) NOTWITHSTANDING ANY OTHER SECTION OF THE REVISED CODE, INCLUDING SECTIONS 5145.16 AND 5147.30 OF THE REVISED CODE, AND EXCEPT AS PROVIDED IN DIVISION (B) OF THIS SECTION, TWENTY-FIVE PER CENT OF ANY MONEY EARNED PURSUANT TO SECTION 5145.16 OR 5147.30 OF THE REVISED CODE BY A PRISONER IN A PRISON OR JAIL WHO IS AN OBLIGOR IN DEFAULT UNDER A CHILD SUPPORT ORDER ACCORDING TO THE RECORDS OF THE CHILD SUPPORT ENFORCEMENT AGENCY ADMINISTERING THE ORDER, SHALL BE PAID TO THE AGENCY FOR DISTRIBUTION TO THE OBLIGEE UNDER THE ORDER PURSUANT TO SECTIONS 3111.23 TO 3111.28 OR SECTIONS 3113.21 TO 3113.219 OF THE REVISED CODE.

Sec. 5101.20. (A) As used in this section:

(1) "County agency" means a county department of human services established under Chapter 329. Of the Revised Code or a public children services agency, as defined in section 2151.011 of the Revised Code.

(2) "Fugitive felon" means an individual who is fleeing to avoid

prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(3) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the state department of human services, a county agency, or an entity performing duties on behalf of the state department or a county agency.

(4) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(5) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the state department or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 Of the Revised Code.

(6) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(B) The state department shall enter into written agreements with law enforcement agencies to exchange, obtain, or share information regarding public assistance recipients to enable the state department, county agencies, and law enforcement agencies to determine whether a recipient or a member of a recipient's assistance group is either of the following:

(1) A fugitive felon;

(2) Violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(C) The state department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107. or 5115. Of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of the law enforcement agencies' official duties.

(D) To the extent permitted by federal law, the state department and

county agencies shall provide access to information to the auditor of state acting pursuant to Chapter 117. or sections 5101.181 and 5101.182 Of the Revised Code and to any other government entity authorized by state or federal law to conduct an audit of or similar activity involving a public assistance program.

(E) Information about a recipient shall be exchanged, obtained, or shared only if the state department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social security number, other identifying number, age, gender, physical characteristics, any information specified in an agreement entered into under division (B) of this section, or any information considered appropriate by the department or agency.

(F)(1) the state department and its officers and employees are not liable in damages in a civil action for any injury, death, or loss to person or property that ALLEGEDLY arises from the release of information in accordance with divisions (B), (C), and (E) of this section. this section does not affect any immunity or defense that the state department and its officers and employees may be entitled to under another section of the Revised Code or the common law of this state, including section 9.86 of the Revised Code.

(2) the county agencies and their employees are not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the release of information in accordance with divisions (B), (C), and (E) of this section. "employee" has the same meaning as in division (B) of section 2744.01 of the Revised code. this section does not affect any immunity or defense that the county agencies and their employees may be entitled to under another section of the Revised Code or the common law of this state, including section 2744.02 and division (a)(6) of section 2744.03 of the Revised Code.

(G) The auditor of state shall prepare an annual report on the outcome of the agreements required under division (B) of this section. The report shall include the number of fugitive felons and probation and parole violators apprehended during the immediately preceding year as a result of the exchange of information pursuant to that division. The auditor of state shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor's office in gathering the information required under this division.

Sec. 5101.21. An individual otherwise ineligible for aid under Chapter 5107. of the Revised Code or food stamps benefits under the "Food Stamp Act of 1977," 78 Stat. 703, 7 U.S.C. 2011, as amended, because of Paragraph (a) of section 115 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 21 U.S.C. 862a, is eligible for the aid or benefits if the individual meets all other eligibility requirements for the aid or benefits.

Sec. 5107.02. (A) The department of human services shall:

(1) Prepare and submit to the United States secretary of health and human services a plan for aid to dependent children;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of the county administration, and other matters;

(3) Make such reports, in such form and containing such information as the administration may find necessary to assure the correctness and verification of such reports;

(4) Require such reports and information from each county administration as may be necessary or advisable;

(5) Provide, by rules or otherwise, for putting into effect such methods of administration and procedure as are found by the administration or the department to be necessary to the efficient operation of the plan in the respective counties;

(6) Afford a fair hearing to any individual entitled thereto under section 5107.05 of the Revised Code, in which case the finding and order of the department shall be final;

(7) Administer and expend, pursuant to this chapter, any sums appropriated by the general assembly for the purpose of this chapter and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(8) Conduct such investigations as are necessary;

(9) Enter into reciprocal agreements with other states relative to the provision of aid to dependent children to residents and nonresidents;

(10) Adopt rules establishing eligibility requirements for aid and the method of determining the amount of aid an assistance group may receive under this chapter. The rules shall specify what is considered countable income for the purpose of determining financial eligibility and the amount of assistance an assistance group may receive under this chapter. The rules shall be consistent with Title IV-A of the "Social Security Act," regulations promulgated by and the plan for aid to dependent children approved by the United States secretary of health and human services under Title IV-A of

that act, this chapter, and any other section of the Revised Code establishing conditions and requirements of aid under this chapter.

(B)(1) The department shall determine a minimum standard as of January 1, 1979, and shall update the minimum standard annually. "Minimum standard" means the minimum amounts of income and resources necessary for persons to maintain health and decency.

(2) The department shall establish, by rule, a payment standard based on state appropriations that is the maximum amount of aid an assistance group may receive under this chapter.

(C) For the purpose of investigations, any authorized representative of the department shall have access to all records and information bearing thereon.

The department may adopt reasonable rules governing the custody, use, and preservation of the records, papers, files, and communications of the department, the county administration for aid to dependent children, and all other state and county officials participating in the administration of this chapter. Wherever names and addresses of recipients of aid to dependent children or applicants for such aid or any other disclosure of information concerning such recipients or applicants are furnished to or held by any other agency, department, or officer of government, such agency, department, or officer of government shall adopt rules necessary to prevent the publication of lists thereof or the disclosure of information concerning applicants and recipients or the use of such lists or information for purposes not directly connected with law enforcement or the administration of aid to dependent children.

~~No person shall, except~~ Except in accordance with rules of the department for purposes directly connected with the administration of public assistance~~, and in accordance with the rules of the department~~ or as required by section 5101.20 of the Revised Code, no person shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, persons applying for or receiving such assistance, directly or indirectly derived from the records, papers, files, or communications of the department or county administrations or agencies thereof, or acquired in the course of the performance of official duties.

(D) Each county administration shall comply with the rules, determinations, and orders of the department.

Sec. 5107.36. An individual is not eligible for assistance under this chapter if either of the following apply:

(A) The individual is a fugitive felon as defined in section 5101.20 Of

the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5107.37. An individual who resides in a county home, city infirmary, jail, or other public institution is not eligible for assistance under this chapter.

Sec. 5115.03. (A) The state department of human services shall do all of the following:

(1) Adopt rules governing the administration of disability assistance, including the administration of financial assistance and disability assistance medical assistance. The rules shall be binding on county departments of human services.

(2) Make investigations to determine whether disability assistance is being administered in compliance with the Revised Code and rules adopted by the state department.

(3) Administer disability assistance in a county where the county department of human services fails to perform the administrative functions required of it under section 5115.02 of the Revised Code.

(B) If the state department administers disability assistance in a county pursuant to division (A)(3) of this section, it may expend any local funds available for administration of disability assistance, and for a period not to exceed three months, if necessary, may pay the entire administrative cost of disability assistance in the county from state appropriations for disability assistance. The county shall promptly reimburse the department for any funds spent by the state during any period the department administers disability assistance in the county.

(C) The state department shall adopt rules in accordance with section 111.15 of the Revised Code governing the custody, use, and preservation of disability assistance records, papers, files, and communications of the state department, county departments, and all other state and county offices and officials participating in administration of disability assistance. Each government entity that acquires or maintains records that include names of or other information about disability assistance applicants or recipients shall adopt such rules as are necessary to prevent disclosure of the names or information except as required for law enforcement or administration of disability assistance or as required by other sections of the Revised Code.

Except for purposes directly connected with administration of disability assistance or as required by section 5101.20 or any other section of the Revised Code, no person shall solicit, disclose, receive, make use of, or

knowingly permit, participate in, or acquiesce in the use of names or other information about disability assistance applicants or recipients that is derived from the records, papers, files, or communications of any government entity or acquired in the course of performing official duties. Any use of names or other information about disability assistance applicants or recipients that is permitted by this division, other than information obtained under section 5101.20 of the Revised Code, shall be in accordance with the rules adopted by the state department.

Sec. 5115.04. An individual is not eligible for assistance under this chapter if either of the following apply:

(A) The individual is a fugitive felon as defined in section 5101.20 Of the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5120.17. (A) As used in this section:

(1) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(2) "Mentally ill person subject to hospitalization" means a mentally ill person to whom any of the following applies because of the person's mental illness:

(a) The person represents a substantial risk of physical harm to the person as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.

(b) The person represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness.

(c) The person represents a substantial and immediate risk of serious physical impairment or injury to the person as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community.

(d) The person would benefit from treatment in a hospital for the person's mental illness and is in need of treatment in a hospital as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

(3) "Psychiatric hospital" means a facility that is operated by the department of rehabilitation and correction, is designated as a psychiatric hospital, is licensed by the department of mental health pursuant to section 5119.20 of the Revised Code, and is in substantial compliance with the standards set by the joint commission on accreditation of healthcare organizations.

(4) "Inmate patient" means an inmate who is admitted to a psychiatric hospital.

(5) "Admitted" to a psychiatric hospital means being accepted for and staying at least one night at the psychiatric hospital.

(6) "Treatment plan" means a written statement of reasonable objectives and goals for an inmate patient that is based on the needs of the inmate patient and that is established by the treatment team, with the active participation of the inmate patient and with documentation of that participation. "Treatment plan" includes all of the following:

(a) The specific criteria to be used in evaluating progress toward achieving the objectives and goals;

(b) The services to be provided to the inmate patient during the inmate patient's hospitalization;

(c) The services to be provided to the inmate patient after discharge from the hospital, including, but not limited to, housing and mental health services provided at the state correctional institution to which the inmate patient returns after discharge or community mental health services.

(7) "Mentally retarded person subject to institutionalization by court order" has the same meaning as in section 5123.01 of the Revised Code.

(B)(1) If the warden of a state correctional institution believes that an inmate should be transferred from the institution to a psychiatric hospital, the department shall hold a hearing to determine whether the inmate is a mentally ill person subject to hospitalization. The department shall conduct the hearing at the state correctional institution in which the inmate is confined, and the department shall provide qualified and independent assistance to the inmate for the hearing. An independent decision-maker provided by the department shall preside at the hearing and determine whether the inmate is a mentally ill person subject to hospitalization.

(2) Prior to the hearing held pursuant to division (B)(1) of this section, the warden shall give written notice to the inmate that the department is considering transferring the inmate to a psychiatric hospital, that it will hold a hearing on the proposed transfer at which the inmate may be present, that at the hearing the inmate has the rights described in division (B)(3) of this section, and that the department will provide qualified and independent

sistance to the inmate with respect to the hearing. The department shall not hold the hearing until the inmate has received written notice of the proposed transfer and has had sufficient time to consult with the person appointed by the department to provide assistance to the inmate and to prepare for a presentation at the hearing.

(3) At the hearing held pursuant to division (B)(1) of this section, the department shall disclose to the inmate the evidence that it relies upon for the transfer and shall give the inmate an opportunity to be heard. Unless the independent decision-maker finds good cause for not permitting it, the inmate may present documentary evidence and the testimony of witnesses at the hearing and may confront and cross-examine witnesses called by the department.

(4) If the independent decision-maker does not find clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the department shall not transfer the inmate to a psychiatric hospital but shall continue to confine the inmate in the same state correctional institution or in another state correctional institution that the department considers appropriate. If the independent decision-maker finds clear and convincing evidence that the inmate is a mentally ill person subject to hospitalization, the decision-maker shall order that the inmate be transported to a psychiatric hospital for observation and treatment for a period of not longer than thirty days. After the hearing, the independent decision-maker shall submit to the department a written decision that states one of the findings described in division (B)(4) of this section, the evidence that the decision-maker relied on in reaching that conclusion, and, if the decision is that the inmate should be transferred, the reasons for the transfer.

(5) The director of rehabilitation and correction shall adopt rules setting forth guidelines for the procedures required under division (B) of this section.

(C)(1) If an independent decision-maker, pursuant to division (B)(4) of this section, orders an inmate transported to a psychiatric hospital, the staff of the psychiatric hospital shall examine the inmate patient when admitted to the psychiatric hospital as soon as practicable after the inmate patient arrives at the hospital and no later than twenty-four hours after the time of arrival. The attending physician responsible for the inmate patient's care shall give the inmate patient all information necessary to enable the patient to give a fully informed, intelligent, and knowing consent to the treatment the inmate patient will receive in the hospital. The attending physician shall tell the inmate patient the expected physical and medical consequences of any proposed treatment and shall give the inmate patient the opportunity to

consult with another psychiatrist at the hospital and with the inmate advisor.

(2) No inmate patient who is transported to a psychiatric hospital pursuant to division (B)(4) of this section and who is in the physical custody of the department of rehabilitation and correction shall be subjected to any of the following procedures:

(a) Convulsive therapy;

(b) Major aversive interventions;

(c) Any unusually hazardous treatment procedures;

(d) Psychosurgery.

(D) The warden of the psychiatric hospital or the warden's designee shall ensure that an inmate patient hospitalized pursuant to this section receives or has all of the following:

(1) Receives sufficient professional care within twenty days of admission to ensure that an evaluation of the inmate patient's current status, differential diagnosis, probable prognosis, and description of the current treatment plan have been formulated and are stated on the inmate patient's official chart;

(2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment;

(3) Receives treatment consistent with the treatment plan;

(4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days;

(5) Is provided with adequate medical treatment for physical disease or injury;

(6) Receives humane care and treatment, including, without being limited to, the following:

(a) Access to the facilities and personnel required by the treatment plan;

(b) A humane psychological and physical environment;

(c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably can understand;

(d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital;

(e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation;

(f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department.

(E) The department shall hold a hearing for the continued

hospitalization of an inmate patient who is transported to a psychiatric hospital pursuant to division (B)(4) of this section prior to the expiration of the initial thirty-day period of hospitalization and, if necessary, at ninety-day intervals after the first hearing for continued hospitalization. An independent decision-maker shall conduct the hearings at the psychiatric hospital in which the inmate patient is confined. The inmate patient shall be afforded all of the rights set forth in this section for the hearing prior to transfer to the psychiatric hospital. A hearing for continued commitment is mandatory, and neither the department nor the inmate patient may waive the hearing.

If upon completion of the hearing the independent decision-maker does not find by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the independent decision-maker shall order the inmate patient's discharge from the psychiatric hospital. If the independent decision-maker finds by clear and convincing evidence that the inmate patient is a mentally ill person subject to hospitalization, the decision-maker shall order that the inmate patient remain at the psychiatric hospital for another period not to exceed ninety days.

If at any time prior to the expiration of the ninety-day period, the warden of the psychiatric hospital or the warden's designee determines that the treatment needs of the inmate patient could be met equally well in an available and appropriate less restrictive state correctional institution or unit, the warden or the warden's designee may discharge the inmate to that facility.

(F) An inmate patient is entitled to the credits toward the reduction of the inmate patient's stated prison term pursuant to Chapters 2967. and 5120. of the Revised Code under the same terms and conditions as if the inmate patient were in any other institution of the department of rehabilitation and correction.

(G) The adult parole authority may place an inmate patient on parole or under post-release control directly from a psychiatric hospital.

(H) If an inmate patient who is a mentally ill person subject to hospitalization is to be released from a psychiatric hospital because of the expiration of the inmate patient's stated prison term, the warden of the psychiatric hospital, at least fourteen days before the expiration date, may file an affidavit under section 5122.11 or 5123.71 of the Revised Code with the probate court in the county where the psychiatric hospital is located, alleging that the inmate patient is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order, whichever is applicable. The proceedings

in the probate court shall be conducted pursuant to Chapter 5122. or 5123. of the Revised Code except as modified by this division.

Upon the request of the inmate patient, the probate court shall grant the inmate patient an initial hearing under section 5122.141 of the Revised Code or a probable cause hearing under section 5123.75 of the Revised Code before the expiration of the stated prison term. After holding a full hearing, the probate court shall make a disposition authorized by section 5122.15 or 5123.76 of the Revised Code before the date of the expiration of the stated prison term unless the court grants a continuance of the hearing at the request of the inmate patient or the inmate patient's counsel. No inmate patient shall be held in the custody of the department of rehabilitation and correction past the date of the expiration of the inmate patient's stated prison term.

(I) The department of rehabilitation and correction shall set standards for treatment provided to inmate patients, consistent where applicable with the standards set by the joint commission on accreditation of healthcare organizations.

(J) A certificate, application, record, or report that is made in compliance with this section and that directly or indirectly identifies an inmate or former inmate whose hospitalization has been sought under this section is confidential. No person shall disclose the contents of any certificate, application, record, or report of that nature unless one of the following applies:

(1) The person identified, or the person's legal guardian, if any, consents to disclosure, and the director of clinical services and psychiatry of the department of rehabilitation and correction determines that disclosure is in the best interests of the person.

(2) Disclosure is required by a court order signed by a judge.

(3) An inmate patient seeks access to the inmate patient's own psychiatric and medical records, unless access is specifically restricted in the treatment plan for clear treatment reasons.

(4) Hospitals and other institutions and facilities within the department of rehabilitation and correction may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, but the information that may be released about an inmate patient is limited to medication history, physical health status and history, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(5) An inmate patient's family member who is involved in planning, providing, and monitoring services to the inmate patient may receive

medication information, a summary of the inmate patient's diagnosis and prognosis, and a list of the services and personnel available to assist the inmate patient and family if the attending physician determines that disclosure would be in the best interest of the inmate patient. No disclosure shall be made under this division unless the inmate patient is notified of the possible disclosure, receives the information to be disclosed, and does not object to the disclosure.

(6) The department of rehabilitation and correction may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with county sheriffs' offices, hospitals, institutions, and facilities of the department of mental health and with community mental health agencies and boards of alcohol, drug addiction, and mental health services with which the department of mental health has a current agreement for patient care or services to ensure continuity of care. Disclosure under this division is limited to records regarding the inmate patient's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any. No office, department, agency, or board shall disclose the records and other information unless one of the following applies:

(a) The inmate patient is notified of the possible disclosure and consents to the disclosure.

(b) The inmate patient is notified of the possible disclosure, an attempt to gain the consent of the inmate is made, and the office, department, agency, or board documents the attempt to gain consent, the inmate's objections, if any, and the reasons for disclosure in spite of the inmate's objections.

(7) Information may be disclosed to staff members designated by the director of rehabilitation and correction for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards.

(K) The name of an inmate patient shall not be retained with the information obtained during the evaluations.

Sec. 5120.37. The department of rehabilitation and correction shall enter into an agreement with the department of human services to exchange or share information monthly concerning persons under the control or supervision of the department of rehabilitation and correction.

Sec. 5149.03. The adult parole authority shall administer Chapter 5149. and the provisions of Chapter 2967., Chapter 2971., and sections 2301.27 to 2301.32, 2941.46, 2951.05, 2951.06, and 2951.08 of the Revised Code that impose duties upon the authority.

The authority may enter into a written agreement with a person or government entity to share information, personnel, and services for one or more of the following purposes: training, crime interdiction, fugitive apprehension, and community supervision. The agreement may permit the authority to act in concert with and provide assistance to a law enforcement agency, as defined in section 5101.20 Of the Revised Code, in detecting, tracking, apprehending, or detaining an individual subject to arrest.

SECTION 2. That existing sections 5107.02, 5115.03, 5120.17, and 5149.03 of the Revised Code are hereby repealed.

SECTION 3. Because the Temporary Assistance to Needy Families Program has replaced the Aid to Dependent Children Program pursuant to Executive Order 96-73V, signed September 13, 1996, references to the Aid to Dependent Children Program in Section 1 of this act shall be deemed to refer to the Temporary Assistance to Needy Families Program.

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*Speaker _____ of the House of Representatives.*

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*President _____ of the Senate.*

Passed _____, 20____

Approved _____, 20____

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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*Secretary of State.*

File No. _____ Effective Date _____