

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 227

Representative Pizzulli

A BILL

To amend sections 340.01, 340.02, 340.022, 340.03, 1
340.032, 340.033, 340.034, 340.035, 340.036, 2
340.04, 340.30, 5119.01, 5119.36, 5119.363, 3
5119.48, 5119.61, 5119.90, 5119.99, and 5160.45; 4
to enact sections 5119.39, 5119.391, 5119.392, 5
5119.393, 5119.394, 5119.395, 5119.396, and 6
5119.397; and to repeal sections 340.20 and 7
3720.041 of the Revised Code regarding the 8
composition of boards of alcohol, drug 9
addiction, and mental health services; the 10
authority of the boards; and the requirements 11
for operation of recovery housing residences. 12

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

Section 1. That sections 340.01, 340.02, 340.022, 340.03, 13
340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 340.30, 14
5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 5119.99, 15
and 5160.45 be amended and sections 5119.39, 5119.391, 5119.392, 16
5119.393, 5119.394, 5119.395, 5119.396, and 5119.397 of the 17
Revised Code be enacted to read as follows: 18

Sec. 340.01. (A) As used in this chapter: 19

(1) "Addiction," "addiction services," "alcohol and drug addiction services," ~~"alcoholism,"~~ "alcohol use disorder," "certifiable services and supports," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "included opioid and co-occurring drug addiction services and recovery supports," "mental health services," "mental illness," "recovery housing residence," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention of relapse ~~of alcoholism or drug addiction,~~ or both.

~~(3) "Recovery housing" means housing for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug addiction recovery assistance.~~

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand. With the approval of the director of mental health and addiction services, any county or combination of counties having a population of less than fifty thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.

The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a

comprehensive plan or plans that are in compliance with rules 50
adopted by the director of mental health and addiction services 51
under section 5119.22 of the Revised Code, ~~and that provide for~~ 52
~~the equitable adjustment and division of all services, assets,~~ 53
~~property, debts, and obligations, if any, of the joint-county~~ 54
~~district~~ to the board of alcohol, drug addiction, and mental 55
health services, to the boards of county commissioners of each 56
county in the district, and to the director. The plan or plans 57
shall include all of the following: proposed bylaws for the 58
operation of the newly established district; a list of potential 59
board members; a list of the behavioral health services 60
available in the newly established district, including 61
inpatient, outpatient, prevention, and housing services; 62
equitable adjustment and division of all services, assets, 63
property, debts, and obligations of the former joint-county 64
district; a plan ensuring no disruption in behavioral health 65
services in the newly established district; and provision for 66
the employment of an executive director of the newly established 67
district. 68

The director shall approve the plan not later than one 69
year after the date the resolution was adopted by the board of 70
county commissioners. No county participating in a joint-county 71
~~service~~-district may withdraw from the district without the 72
consent of the director of mental health and addiction services 73
nor earlier than one year after the submission of such 74
resolution unless all of the participating counties agree to an 75
earlier withdrawal. ~~Any~~ 76

Any county withdrawing from a joint-county district shall 77
continue to have levied against its tax list and duplicate any 78
tax levied by the district during the period in which the county 79
was a member of the district until such time as the levy expires 80

or is renewed or replaced. 81

(C) For any tax levied under section 5705.19 of the 82
Revised Code by a board of a joint-county district formed on or 83
~~after the effective date of this amendment April 3, 2023,~~ 84
revenue from the tax shall only be expended for the benefit of 85
the residents of the county from which the revenue is derived. 86
For the purpose of this division, a joint-county district is not 87
formed by virtue of a county joining or withdrawing from a 88
district or if a joint-county service district merges with 89
another joint-county district. 90

Sec. 340.02. (A) For each alcohol, drug addiction, and 91
mental health service district, there shall be appointed a board 92
of alcohol, drug addiction, and mental health ~~services~~ 93
~~consisting~~. As provided in this section, the board shall 94
consist of eighteen members or, fifteen members, fourteen 95
members, twelve members, or nine members. ~~Should the board of~~ 96
~~alcohol, drug addiction, and mental health services elect to~~ 97
~~remain at eighteen members, as provided under section 340.02 of~~ 98
~~the Revised Code as it existed immediately prior to the date of~~ 99
~~this amendment, the board of alcohol, drug addiction, and mental~~ 100
~~health services and the board of county commissioners shall not~~ 101
~~be required to take any action. Should the board of alcohol,~~ 102
~~drug addiction, and mental health services elect a~~ 103
~~recommendation to become a fourteen member board, that~~ 104
~~recommendation must be approved by the board of county~~ 105
~~commissioners of the county in which the alcohol, drug~~ 106
~~addiction, and mental health district is located in order for~~ 107
~~the transition to a fourteen member board to occur. Not later~~ 108
~~than September 30, 2013, each board of alcohol, drug addiction,~~ 109
~~and mental health services wishing to become a fourteen member~~ 110
~~board shall notify the board of county commissioners of that~~ 111

~~recommendation. Failure of the board of county commissioners to~~ 112
~~take action within thirty days after receipt of the~~ 113
~~recommendation shall be deemed agreement by the board of county~~ 114
~~commissioners to transition to a fourteen-member board of~~ 115
~~alcohol, drug addiction, and mental health services. Should the~~ 116
~~board of county commissioners reject the recommendation, the~~ 117
~~board of county commissioners shall adopt a resolution stating~~ 118
~~that rejection within thirty days after receipt of the~~ 119
~~recommendation. Upon adoption of the resolution, the board of~~ 120
~~county commissioners shall meet with the board of alcohol, drug~~ 121
~~addiction, and mental health services to discuss the matter.~~ 122
~~After the meeting, the board of county commissioners shall~~ 123
~~notify the department of mental health and addiction services of~~ 124
~~its election not later than January 1, 2014. In a joint county~~ 125
~~district, a majority of the boards of county commissioners must~~ 126
~~not reject the recommendation of a joint county board to become~~ 127
~~a fourteen-member board in order for the transition to a~~ 128
~~fourteen-member board to occur. Should the joint county district~~ 129
~~have an even number of counties, and the boards of county~~ 130
~~commissioners of these counties tie in terms of whether or not~~ 131
~~to accept the recommendation of the alcohol, drug addiction, and~~ 132
~~mental health services board, the recommendation of the alcohol,~~ 133
~~drug addiction, and mental health service board to become a~~ 134
~~fourteen-member board shall prevail. The election shall be~~ 135
~~final. Failure to provide notice of its election to the~~ 136
~~department on or before January 1, 2014, shall constitute an~~ 137
~~election to continue to operate as an eighteen-member board,~~ 138
~~which election shall also be final. If an existing board~~ 139
~~provides timely notice of its election to transition to operate~~ 140
~~as a fourteen member board, the number of board members may~~ 141
~~decline from eighteen to fourteen by attrition as current~~ 142
~~members' terms expire. However, the composition of the board~~ 143

~~must reflect the requirements set forth in this section for~~ 144
~~fourteen-member boards. For all boards, half of the members~~ 145
~~shall be interested in mental health services and half of the~~ 146
~~members shall be interested in alcohol, drug, or gambling~~ 147
~~addiction services.~~ 148

In a single-county district, the size of the board shall 149
be determined by the board of county commissioners representing 150
the county that constitutes the district. In a joint-county 151
district, the size of the board shall be determined jointly by 152
all of the boards of county commissioners representing the 153
counties that constitute the district. 154

The determination of board size shall be made by selecting 155
one of the options described in division (B) of this section. 156
After an option is selected and implemented, a subsequent 157
determination of board size may be made, except that subsequent 158
determinations shall not occur more frequently than once every 159
four calendar years. 160

If a selected option would result in a change in board 161
size, before the option may be implemented the board of county 162
commissioners or boards of county commissioners, as the case may 163
be, shall send a representative to a meeting of the board of 164
alcohol, drug addiction, and mental health services to solicit 165
feedback about the matter. After considering any feedback 166
received, the board or boards of county commissioners may 167
proceed with implementing the change in board size. If the 168
change results in a reduction of board members, the reduction 169
shall be implemented by not filling vacancies as they occur. 170

To implement a selected option that would result in the 171
establishment of a new board of alcohol, drug addiction, and 172
mental health services or in a change in size of an existing 173

board, the board or boards of county commissioners, as the case 174
may be, shall adopt a resolution specifying the board size that 175
has been selected. The board or boards of county commissioners 176
also shall notify the department of mental health and addiction 177
services of the board size that has been selected. 178

(B) (1) In the case of a board of alcohol, drug addiction, 179
and mental health services that is established on or after the 180
effective date of this amendment, any of the following options 181
may be selected for purposes of division (A) of this section: 182

(a) To establish the board as an eighteen-member board; 183

(b) To establish the board as a fifteen-member board; 184

(c) To establish the board as a fourteen-member board; 185

(d) To establish the board as a twelve-member board; 186

(e) To establish the board as a nine-member board; 187

(f) To change the board's size after it has been 188
established by selecting a number of members that is eighteen, 189
fifteen, fourteen, twelve, or nine, as the case may be. 190

(2) In the case of a board of alcohol, drug addiction, and 191
mental health services that existed immediately prior to the 192
effective date of this amendment, either of the following 193
options may be selected for purposes of division (A) of this 194
section: 195

(a) To continue the board's operation as an eighteen- 196
member or fourteen-member board, as a board of that size was 197
authorized prior to the effective date of this amendment, in 198
which case no further action is required; 199

(b) To change the board's size by selecting a number of 200

members that is eighteen, fifteen, fourteen, twelve, or nine as 201
the case may be. 202

(C) All members shall be residents of the service 203
district. The membership shall, as nearly as possible, reflect 204
the composition of the population of the service district as to 205
race and sex. 206

~~(B) For boards operating as eighteen member boards, the~~ 207
The director of mental health and addiction services shall 208
appoint ~~eight~~ one-third of the members of the board and the 209
board of county commissioners shall appoint ~~ten~~ two-thirds of 210
the members. ~~For boards operating as fourteen member boards, the~~ 211
~~director of mental health and addiction services shall appoint~~ 212
~~six members of the board and the board of county commissioners~~ 213
~~shall appoint eight members.~~ In a joint-county district, the 214
board of county commissioners of each participating county shall 215
appoint members in as nearly as possible the same proportion as 216
that county's population bears to the total population of the 217
district, except that at least one member shall be appointed 218
from each participating county. 219

~~(C) The director of mental health and addiction services~~ 220
~~shall ensure that at least one member of the board is a~~ 221
~~clinician with experience in the delivery of mental health~~ 222
~~services, at least one member of the board is~~ In making 223
appointments to the board, the appointing authorities shall 224
ensure that at least one-half of the board's membership, at all 225
times, consists of persons who are qualified to serve by virtue 226
of being any of the following: a person who has received or is 227
receiving mental health services, ~~at least one member of the~~ 228
~~board or who is~~ a parent or other relative of such a person, ~~at~~ 229
~~least one member of the board is a clinician with experience in~~ 230

~~the delivery of addiction services, at least one member of the~~ 231
~~board is or~~ a person who has received or is receiving addiction 232
~~services, and at least one member of the board or who is~~ 233
parent or other relative of such a person. ~~A single member who~~ 234
~~meets both qualifications may fulfill the requirement for a~~ 235
~~clinician with experience in the delivery of mental health~~ 236
~~services and a clinician with experience in the delivery of~~ 237
~~addiction services.~~ 238

~~(D)~~ No member or employee of a board of alcohol, drug 239
addiction, and mental health services shall serve as a member of 240
the board of any provider with which the board of alcohol, drug 241
addiction, and mental health services has entered into a 242
contract for the provision of services or facilities. No member 243
of a board of alcohol, drug addiction, and mental health 244
services shall be an employee of any provider with which the 245
board has entered into a contract for the provision of services 246
or facilities. No person shall be an employee of a board and 247
such a provider unless the board and provider both agree in 248
writing. 249

~~(E)~~ No person shall serve as a member of the board of 250
alcohol, drug addiction, and mental health services whose 251
spouse, child, parent, brother, sister, grandchild, stepparent, 252
stepchild, stepbrother, stepsister, father-in-law, mother-in- 253
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 254
law serves as a member of the board of any provider with which 255
the board of alcohol, drug addiction, and mental health services 256
has entered into a contract for the provision of services or 257
facilities. No person shall serve as a member ~~or employee~~ of the 258
board whose spouse, child, parent, brother, sister, stepparent, 259
stepchild, stepbrother, stepsister, father-in-law, mother-in- 260
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 261

law serves as a county commissioner of a county or counties in 262
the alcohol, drug addiction, and mental health service district. 263

~~(F)~~ Each year each board member shall attend at least one 264
in-service training session provided or approved by the 265
department of mental health and addiction services. 266

~~(G) For boards operating as eighteen-member boards, each~~ 267
Each member shall be appointed for a term of four years, 268
commencing the first day of July, except that ~~one-third of~~ 269
~~initial appointments to a newly established board, and to the~~ 270
~~extent possible to expanded boards, shall be for terms of two~~ 271
~~years, one-third of initial appointments shall be for terms of~~ 272
~~three years, and one-third of initial appointments shall be for~~ 273
~~terms of four years. For boards operating as fourteen-member~~ 274
~~boards, each member shall be appointed for a term of four years,~~ 275
commencing the first day of July, except that ~~four of the~~ 276
~~initial appointments to a newly established board, and to the~~ 277
~~extent possible to expanded boards, shall be for terms of two~~ 278
~~years, five initial appointments shall be for terms of three~~ 279
~~years, and five initial appointments shall be for terms of four~~ 280
years. No when a board is established on or after the effective 281
date of this amendment, the initial appointments shall be 282
staggered among the members as equally as possible with terms of 283
two years, three years, and four years. 284

No member shall serve more than two consecutive four-year 285
terms under the same appointing authority. A member may serve 286
for three consecutive terms under the same appointing authority 287
only if one of the terms is for less than two years. A member 288
who has served two consecutive four-year terms or three 289
consecutive terms totaling less than ten years is eligible for 290
reappointment by the same appointing authority one year 291

following the end of the second or third term, respectively. 292

When a vacancy occurs, appointment for the expired or 293
unexpired term shall be made in the same manner as an original 294
appointment. The board shall notify the appointing authority 295
either by certified mail or, if the board has record of an 296
internet identifier of record associated with the authority, by 297
ordinary mail and by that internet identifier of record of any 298
vacancy and shall fill the vacancy within sixty days following 299
that notice. As used in this paragraph, "internet identifier of 300
record" has the same meaning as in section 9.312 of the Revised 301
Code. 302

Any member of the board may be removed from office by the 303
appointing authority ~~for neglect of duty, misconduct, or~~ 304
~~malfeasance in office, and shall be removed by the appointing~~ 305
~~authority if the member is barred by this section from serving~~ 306
~~as a board member at will. The~~ Before a member may be removed at 307
will, the member shall be informed in writing of the ~~charges~~ 308
proposed removal and afforded an opportunity for a public 309
hearing. Upon the absence of a member within one year from 310
either four board meetings or from two board meetings without 311
prior notice, the board shall notify the appointing authority, 312
which may vacate the appointment and appoint another person to 313
complete the member's term. 314

Members of the board shall serve without compensation, but 315
shall be reimbursed for actual and necessary expenses incurred 316
in the performance of their official duties, as defined by rules 317
of the department of mental health and addiction services. 318

~~(H) As used in this section, "internet identifier of~~ 319
~~record" has the same meaning as in section 9.312 of the Revised~~ 320
~~Code.~~ 321

Sec. 340.022. ~~(A) if~~ Notwithstanding the procedures 322
established by section 340.02 of the Revised Code for 323
determining the size of a board of alcohol, drug addiction, and 324
mental health services, the size of a board shall be determined 325
in accordance with this section in both of the following 326
circumstances: 327

(A) (1) If the director of mental health and addiction 328
services during the period beginning January 1, 2021, and ending 329
December 31, 2022, grants approval to a board of county 330
commissioners of a county with a population of at least seventy 331
thousand but not more than eighty thousand, according to data 332
from the 2010 federal census, to withdraw from a joint-county 333
alcohol, drug addiction, and mental health service district 334
pursuant to section 340.01 of the Revised Code, ~~The~~ the size of 335
the board shall be determined by the board of county 336
commissioners representing the county that constitutes the 337
single-county alcohol, drug addiction, and mental health service 338
district created as a result of the withdrawal. The 339
determination shall be made from among the options that may be 340
selected under division ~~(B)~~ (A) (2) of this section. Once an 341
option is selected, the board of county commissioners shall 342
adopt a resolution specifying the selection that has been made 343
and shall notify the department of mental health and addiction 344
services. After the resolution is adopted and the department is 345
notified, the determination of size is final. 346

~~(B) (1)~~ (2) In the case of a board of alcohol, drug 347
addiction, and mental health services that is established on or 348
after the date the director grants the approval to withdraw 349
described in division ~~(A)~~ (A) (1) of this section, ~~any~~ either of 350
the following options may be selected by the board of county 351
commissioners when making the determination required under that 352

division: 353

(a) To establish the board as an eighteen-member board; 354

(b) To establish the board as a fourteen-member board. 355

~~(C) (3) When a board is established on or after ~~the~~~~ 356
~~effective date of this section September 30, 2021,~~ the initial 357
appointments shall be staggered among the members as equally as 358
possible with terms of two years, three years, and four years. 359

~~(D) (1) Notwithstanding the membership requirements of~~ 360
~~section 340.02 of the Revised Code, if (B) (1) If~~ a county with a 361
population of at least thirty-five thousand but not more than 362
forty-five thousand, according to data from the 2010 federal 363
census, joins an existing alcohol, drug addiction, and mental 364
health service district during the period beginning on June 30, 365
2021, and ending June 30, 2023, the existing board of alcohol, 366
drug addiction, and mental health services serving that district 367
may elect to expand its membership to eighteen members if the 368
existing board has fourteen members. 369

(2) The option to expand the board, as provided in 370
division ~~(D) (1)~~ (B) (1) of this section, is available only during 371
the twelve-month period beginning on the date the county with a 372
population of at least thirty-five thousand but not more than 373
forty-five thousand joins the alcohol, drug addiction, and 374
mental health service district served by the board. The 375
additional members shall be appointed in the manner specified in 376
section 340.02 of the Revised Code. 377

Sec. 340.03. (A) Subject to rules issued by the director 378
of mental health and addiction services after consultation with 379
relevant constituencies as required by division (A) (10) of 380
section 5119.21 of the Revised Code, each board of alcohol, drug 381

addiction, and mental health services shall: 382

(1) Serve as the community addiction and mental health 383
planning agency for the county or counties under its 384
jurisdiction, and in so doing it shall: 385

(a) Evaluate the need for facility services, addiction 386
services, mental health services, and recovery supports; 387

(b) In cooperation with other local and regional planning 388
and funding bodies and with relevant ethnic organizations, 389
evaluate strengths and challenges and set priorities for 390
addiction services, mental health services, and recovery 391
supports. A board shall include treatment and prevention 392
services when setting priorities for addiction services and 393
mental health services. When a board sets priorities for 394
addiction services, the board shall consult with the county 395
commissioners of the counties in the board's service district 396
regarding the services described in section 340.15 of the 397
Revised Code and shall give priority to those services, except 398
that those services shall not have a priority over services 399
provided to pregnant women under programs developed in relation 400
to the mandate established in section 5119.17 of the Revised 401
Code. 402

(c) In accordance with guidelines issued by the director 403
of mental health and addiction services under division (F) of 404
section 5119.22 of the Revised Code, annually develop and submit 405
to the department of mental health and addiction services a 406
community addiction and mental health plan that addresses both 407
of the following: 408

(i) The needs of all residents of the service district 409
currently receiving inpatient services in state-operated 410

hospitals, the needs of other populations as required by state 411
or federal law or programs, and the needs of all children 412
subject to a determination made pursuant to section 121.38 of 413
the Revised Code; 414

(ii) The department's priorities for facility services, 415
addiction services, mental health services, and recovery 416
supports during the period for which the plan will be in effect. 417
The department shall inform all of the boards of the 418
department's priorities in a timely manner that enables the 419
boards to know the department's priorities before the boards 420
develop and submit the plans. 421

In alcohol, drug addiction, and mental health service 422
districts that have separate alcohol and drug addiction services 423
and community mental health boards, the alcohol and drug 424
addiction services board shall submit a community addiction plan 425
and the community mental health board shall submit a community 426
mental health plan. Each board shall consult with its 427
counterpart in developing its plan and address the interaction 428
between the local addiction and mental health systems and 429
populations with regard to needs and priorities in developing 430
its plan. 431

The department shall approve or disapprove the plan, in 432
whole or in part, in accordance with division (G) of section 433
5119.22 of the Revised Code. Eligibility for state and federal 434
funding shall be contingent upon an approved plan or relevant 435
part of a plan. 436

If a board determines that it is necessary to amend an 437
approved plan, the board shall submit a proposed amendment to 438
the director. The director shall approve or disapprove all or 439
part of the amendment in accordance with division (H) of section 440

5119.22 of the Revised Code. 441

The board shall operate in accordance with the plan 442
approved by the department. 443

(d) Promote, arrange, and implement working agreements 444
with social service agencies, both public and private, ~~and~~ 445
including other government programs that provide public 446
benefits, in which case the agreements shall be for the 447
following purposes: to coordinate public benefits and to improve 448
the management and administration of the government programs; 449

(e) Promote, arrange, and implement working agreements 450
with judicial agencies. 451

(2) Investigate, or request another agency to investigate, 452
any complaint alleging abuse or neglect of any person receiving 453
addiction services, mental health services, or recovery supports 454
from a community addiction services provider or community mental 455
health services provider or alleging abuse or neglect of a 456
resident receiving addiction services or with mental illness or 457
severe mental disability residing in a residential facility 458
licensed under section 5119.34 of the Revised Code. If the 459
investigation substantiates the charge of abuse or neglect, the 460
board shall take whatever action it determines is necessary to 461
correct the situation, including notification of the appropriate 462
authorities. Upon request, the board shall provide information 463
about such investigations to the department. 464

(3) For the purpose of section 5119.36 of the Revised 465
Code, cooperate with the director of mental health and addiction 466
services in visiting and evaluating whether the certifiable 467
services and supports of a community addiction services provider 468
or community mental health services provider satisfy the 469

certification standards established by rules adopted under that 470
section~~7~~. In addition, a board shall provide input and 471
recommendations to the department when an application for 472
certification or the renewal of a certification has been 473
submitted by a provider or when a provider is being investigated 474
by the department, if the board, in either of those 475
circumstances, is aware of information that would be beneficial 476
to the department's consideration of the matter. 477

(4) In accordance with criteria established under division 478
(D) of section 5119.22 of the Revised Code, conduct program 479
audits that review and evaluate the quality, effectiveness, and 480
efficiency of addiction services, mental health services, and 481
recovery supports provided by community addiction services 482
providers and community mental health services providers under 483
contract with the board and submit the board's findings and 484
recommendations to the department of mental health and addiction 485
services; 486

(5) In accordance with section 5119.34 of the Revised 487
Code, review an application for a residential facility license 488
and provide to the department of mental health and addiction 489
services any information about the applicant or facility that 490
the board would like the department to consider in reviewing the 491
application; 492

(6) Audit, in accordance with rules adopted by the auditor 493
of state pursuant to section 117.20 of the Revised Code, at 494
least annually all programs, addiction services, mental health 495
services, and recovery supports provided under contract with the 496
board. In so doing, the board may contract for or employ the 497
services of private auditors. A copy of the fiscal audit report 498
shall be provided to the director of mental health and addiction 499

services, the auditor of state, and the county auditor of each 500
county in the board's district. 501

(7) Recruit and promote local financial support for 502
addiction services, mental health services, and recovery 503
supports from private and public sources; 504

(8) In accordance with guidelines issued by the department 505
as necessary to comply with state and federal laws pertaining to 506
financial assistance, approve fee schedules and related charges 507
or adopt a unit cost schedule or other methods of payment for 508
addiction services, mental health services, and recovery 509
supports provided by community addiction services providers and 510
community mental health services providers that have contracted 511
with the board under section 340.036 of the Revised Code; 512

(9) Submit to the director and the county commissioners of 513
the county or counties served by the board, and make available 514
to the public, an annual report of the addiction services, 515
mental health services, and recovery supports under the 516
jurisdiction of the board, including a fiscal accounting; 517

(10) Establish a method for evaluating referrals for 518
court-ordered treatment and affidavits filed pursuant to section 519
5122.11 of the Revised Code in order to assist the probate 520
division of the court of common pleas in determining whether 521
there is probable cause that a respondent is subject to court- 522
ordered treatment and whether alternatives to hospitalization 523
are available and appropriate; 524

(11) Designate the treatment services, provider, facility, 525
or other placement for each person involuntarily committed to 526
the board pursuant to Chapter 5122. of the Revised Code. The 527
board shall provide the least restrictive and most appropriate 528

alternative that is available for any person involuntarily 529
committed to it and shall assure that the list of addiction 530
services, mental health services, and recovery supports 531
submitted and approved in accordance with division (B) of 532
section 340.08 of the Revised Code are available to persons with 533
severe mental disabilities residing within its service district. 534
The board shall establish the procedure for authorizing payment 535
for the services and supports, which may include prior 536
authorization in appropriate circumstances. In accordance with 537
section 340.037 of the Revised Code, the board may provide 538
addiction services and mental health services directly to a 539
person with a severe mental disability when life or safety is 540
endangered and when no community addiction services provider or 541
community mental health services provider is available to 542
provide the service. 543

(12) Ensure that housing built, subsidized, renovated, 544
rented, owned, or leased by the board or a community addiction 545
services provider or community mental health services provider 546
has been approved as meeting minimum fire safety standards and 547
that persons residing in the housing have access to appropriate 548
and necessary services, including culturally relevant services, 549
from a community addiction services provider or community mental 550
health services provider. This division does not apply to 551
residential facilities licensed pursuant to section 5119.34 of 552
the Revised Code. 553

(13) Establish a mechanism for obtaining advice and 554
involvement of persons receiving addiction services, mental 555
health services, or recovery supports on matters pertaining to 556
services and supports in the alcohol, drug addiction, and mental 557
health service district; 558

(14) Perform the duties required by rules adopted under 559
section 5119.22 of the Revised Code regarding referrals by the 560
board or community mental health services providers under 561
contract with the board of individuals with mental illness or 562
severe mental disability to class two residential facilities 563
licensed under section 5119.34 of the Revised Code and effective 564
arrangements for ongoing mental health services for the 565
individuals. The board is accountable in the manner specified in 566
the rules for ensuring that the ongoing mental health services 567
are effectively arranged for the individuals. 568

(B) Each board of alcohol, drug addiction, and mental 569
health services shall establish such rules, operating 570
procedures, standards, and bylaws, and perform such other duties 571
as may be necessary or proper to carry out the purposes of this 572
chapter. 573

(C) A board of alcohol, drug addiction, and mental health 574
services may receive by gift, grant, devise, or bequest any 575
moneys, lands, or property for the benefit of the purposes for 576
which the board is established, and may hold and apply it 577
according to the terms of the gift, grant, or bequest. All money 578
received, including accrued interest, by gift, grant, or bequest 579
shall be deposited in the treasury of the county, the treasurer 580
of which is custodian of the alcohol, drug addiction, and mental 581
health services funds to the credit of the board and shall be 582
available for use by the board for purposes stated by the donor 583
or grantor. 584

(D) No member or employee of a board of alcohol, drug 585
addiction, and mental health services shall be liable for injury 586
or damages caused by any action or inaction taken within the 587
scope of the member's official duties or the employee's 588

employment, whether or not such action or inaction is expressly 589
authorized by this section or any other section of the Revised 590
Code, unless such action or inaction constitutes willful or 591
wanton misconduct. Chapter 2744. of the Revised Code applies to 592
any action or inaction by a member or employee of a board taken 593
within the scope of the member's official duties or employee's 594
employment. For the purposes of this division, the conduct of a 595
member or employee shall not be considered willful or wanton 596
misconduct if the member or employee acted in good faith and in 597
a manner that the member or employee reasonably believed was in 598
or was not opposed to the best interests of the board and, with 599
respect to any criminal action or proceeding, had no reasonable 600
cause to believe the conduct was unlawful. 601

(E) The meetings held by any committee established by a 602
board of alcohol, drug addiction, and mental health services 603
shall be considered to be meetings of a public body subject to 604
section 121.22 of the Revised Code. 605

(F) (1) A board of alcohol, drug addiction, and mental 606
health services may establish a rule, operating procedure, 607
standard, or bylaw to allow the executive director of the board 608
to execute both of the following types of contracts valued at 609
twenty-five thousand dollars or less, as determined by the 610
board, on behalf of the board without the board's prior 611
approval: 612

(a) Emergency contracts for clinical services or recovery 613
support services; 614

(b) Standard service contracts pertaining to the board's 615
operations. 616

(2) If a board establishes a rule, operating procedure, 617

standard, or bylaw under division (F)(1) of this section, both 618
of the following shall be the case: 619

(a) The board shall define the scope of contracts 620
described in divisions (F)(1)(a) and (b) of this section in that 621
rule, operating procedure, standard, or bylaw. 622

(b) The board shall disclose the existence of a contract 623
executed pursuant to the rule, operating procedure, standard, or 624
bylaw at the first board meeting that occurs after the contract 625
was executed and ensure that a record of that disclosure is 626
included in the written minutes of that meeting. 627

Sec. 340.032. Subject to rules adopted by the director of 628
mental health and addiction services after consultation with 629
relevant constituencies as required by division (A)(10) of 630
section 5119.21 of the Revised Code, each board of alcohol, drug 631
addiction, and mental health services shall do all of the 632
following: 633

(A) Establish, to the extent resources are available, a 634
community-based continuum of care that includes all of the 635
following as essential elements: 636

(1) Prevention and wellness management services; 637

(2) At least both of the following outreach and engagement 638
activities: 639

(a) Locating persons in need of addiction services and 640
persons in need of mental health services to inform them of 641
available addiction services, mental health services, and 642
recovery supports; 643

(b) Helping persons who receive addiction services and 644
persons who receive mental health services obtain services 645

necessary to meet basic human needs for food, clothing, shelter,	646
medical care, personal safety, and income.	647
(3) Assessment services;	648
(4) Care coordination;	649
(5) Residential services;	650
(6) At least the following outpatient services:	651
(a) Nonintensive;	652
(b) Intensive, such as partial hospitalization and assertive community treatment;	653 654
(c) Withdrawal management;	655
(d) Emergency and crisis.	656
(7) Where appropriate, at least the following inpatient services:	657 658
(a) Psychiatric care;	659
(b) Medically managed alcohol or drug treatment.	660
(8) At least all of the following recovery supports:	661
(a) Peer support;	662
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	663 664
(c) Employment, vocational, and educational opportunities;	665
(d) Assistance with social, personal, and living skills;	666
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	667 668
(f) Support, assistance, consultation, and education for	669

families, friends, and persons receiving addiction services, 670
mental health services, and recovery supports. 671

(9) In accordance with section 340.033 of the Revised 672
Code, an array of addiction services and recovery supports for 673
all levels of opioid and co-occurring drug addiction; 674

(10) Any additional elements the department of mental 675
health and addiction services, pursuant to section 5119.21 of 676
the Revised Code, determines are necessary to establish the 677
community-based continuum of care. 678

(B) Ensure that the rights of persons receiving any 679
elements of the community-based continuum of care are protected; 680

(C) Ensure that persons receiving any elements of the 681
community-based continuum of care are able to utilize grievance 682
procedures applicable to the elements. 683

Sec. 340.033. The array of addiction services and recovery 684
supports for all levels of opioid and co-occurring drug 685
addiction required by section 340.032 of the Revised Code to be 686
included in a community-based continuum of care established 687
under that section shall include at least ambulatory and sub- 688
acute detoxification, non-intensive and intensive outpatient 689
services, medication-assisted treatment, peer support, 690
residential services, recovery housing residences pursuant to 691
section 340.034 of the Revised Code, and multiple paths to 692
recovery such as twelve-step approaches. The services and 693
supports shall be made available in the service district of each 694
board of alcohol, drug addiction, and mental health services, 695
except as provided by either of the following: 696

(A) Sub-acute detoxification and residential services may 697
be made available through a contract with one or more providers 698

of sub-acute detoxification or residential services located in 699
other service districts. 700

(B) To the extent authorized by a time-limited waiver 701
issued under section 5119.221 of the Revised Code, ambulatory 702
detoxification and medication-assisted treatment may be made 703
available through a contract with one or more community 704
addiction services providers located not more than thirty miles 705
beyond the borders of the board's service district. 706

The services and supports shall be made available in a 707
manner that ensures that recipients are able to access the 708
services and supports they need for opioid and co-occurring drug 709
addiction in an integrated manner and in accordance with their 710
assessed needs when changing or obtaining additional addiction 711
services or recovery supports for such addiction. An individual 712
seeking a service or support for opioid and co-occurring drug 713
addiction included in a community-based continuum of care shall 714
not be denied the service or support on the basis of the 715
individual's prior experience with the service or support. 716

Sec. 340.034. All of the following apply to ~~the~~ recovery 717
housing residences required by section 340.033 of the Revised 718
Code to be part of included opioid and co-occurring drug 719
addiction services and recovery supports: 720

(A) ~~The~~ A recovery housing residence shall comply with the 721
requirements of being monitored by the department of mental 722
health and addiction services under sections 5119.39 to 5119.396 723
of the Revised Code and any rules adopted under section 5119.397 724
of the Revised Code, but the residence is not ~~be~~ subject to 725
residential facility licensure by the department ~~of mental~~ 726
~~health and addiction services~~ under section 5119.34 of the 727
Revised Code. 728

~~(B) The recovery housing shall not be subject to certification as a recovery support under section 5119.36 of the Revised Code.~~ 729
730
731

~~(C) The A recovery housing residence shall not be owned and operated by a board of alcohol, drug addiction, and mental health services unless any of the following applies:~~ 732
733
734

(1) The board ~~owns and operates~~ operated the recovery housing residence on July 1, 2017. 735
736

(2) The board utilizes local funds in the development, ~~purchase,~~ or operation of the recovery housing residence. 737
738

(3) The board determines that there is a need for the board to assume ~~the ownership and operation~~ of the recovery housing residence, such as when an existing ~~owner and operator~~ of the ~~recovery housing residence~~ goes out of business, and the board considers the assumption of ~~ownership and operation~~ of the ~~recovery housing residence~~ to be in the best interest of the community. 739
740
741
742
743
744
745

~~(D) The (C) A recovery housing residence shall have protocols for all of the following:~~ 746
747

(1) Administrative oversight; 748

(2) Quality standards; 749

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere. 750
751

~~(E) (D) Family members of ~~the a resident of a recovery housing's residents housing residence~~ may reside in the ~~recovery housing residence~~ to the extent permitted by protocols of the recovery housing's protocols permit residence.~~ 752
753
754
755

~~(F) The~~ (E) A recovery housing residence shall not limit a 756
resident's duration of stay to an arbitrary or fixed amount of 757
time. Instead, each resident's duration of stay shall be 758
determined by the resident's needs, progress, and willingness to 759
abide by the ~~recovery housing's~~ residence's protocols, in 760
collaboration with the ~~recovery housing's owner and~~ residence's 761
operator, and, if appropriate, in consultation and integration 762
with a community addiction services provider. 763

~~(G) The~~ (F) A recovery housing residence may permit its 764
residents to receive medication-assisted treatment. 765

~~(H) (G) A resident of a recovery housing resident~~ 766
residence may receive addiction services that are certified by 767
the department ~~of mental health and addiction services~~ under 768
section 5119.36 of the Revised Code. 769

Sec. 340.035. (A) A board of alcohol, drug addiction, and 770
mental health services may advocate on behalf of medicaid 771
recipients enrolled in medicaid managed care organizations and 772
medicaid-eligible individuals, any of whom have been identified 773
as needing addiction or mental health services. 774

(B) The department of mental health and addiction services 775
and the department of medicaid shall, not later than December 776
31, 2024, develop and implement standards and procedures for the 777
exchange of medicaid recipient information, as defined in 778
section 5160.45 of the Revised Code, between boards of alcohol, 779
drug addiction, and mental health services and the department of 780
medicaid. The information shall be exchanged for the following 781
purposes: to coordinate public benefits; to improve the 782
management and administration of medicaid and other publicly 783
funded programs offering addiction or mental health services; 784
and to ensure that the essential elements of a board's continuum 785

of care are available, as appropriate, to persons seeking or 786
receiving addiction or mental health services. 787

Sec. 340.036. (A) Subject to division (B) of this section 788
and rules adopted by the director of mental health and addiction 789
services after consultation with relevant constituencies as 790
required by division (A) (10) of section 5119.21 of the Revised 791
Code, each board of alcohol, drug addiction, and mental health 792
services shall enter into contracts with all of the following: 793

(1) Public and private facilities for the operation of 794
facility services; 795

(2) Community addiction services providers for addiction 796
services and recovery supports; 797

(3) Community mental health services providers for mental 798
health services and recovery supports. 799

(B) No board shall do any of the following: 800

(1) Contract with a residential facility required to be 801
licensed under section 5119.34 of the Revised Code unless the 802
facility is so licensed; 803

(2) Contract with a community addiction services provider 804
or community mental health services provider for certifiable 805
services and supports unless the certifiable services and 806
supports are certified under section 5119.36 of the Revised 807
Code; 808

(3) Contract with a community addiction services provider 809
or community mental health services provider for recovery 810
supports that are required by the director to meet quality 811
criteria or core competencies unless the recovery supports meet 812
the criteria or competencies. 813

(C) When a board contracts with a community addiction 814
services provider or community mental health services provider 815
for addiction services, mental health services, or recovery 816
supports, all of the following apply: 817

(1) The board shall consider both of the following: 818

(a) The cost effectiveness and quality of the provider's 819
services and supports; 820

(b) Continuity of care. 821

(2) The board may review cost elements, including salary 822
costs, of the services and supports. 823

(3) The board may establish, in a way that is most 824
effective and efficient in meeting local needs, a utilization 825
review process as part of the contract. 826

~~(D) If a party to a contract entered into under this 827
section proposes not to renew the contract or proposes 828
substantial changes in contract terms, the other party shall be 829
given written notice at least one hundred twenty days before the 830
expiration date of the contract. During the first sixty days of 831
this one hundred twenty day period, both parties shall attempt 832
to resolve any dispute through good faith collaboration and 833
negotiation in order to continue to provide services and 834
supports to persons in need. If the dispute has not been 835
resolved sixty days before the expiration date of the contract, 836
either party may notify the director of the unresolved dispute. 837
The director may require both parties to submit the dispute to 838
another entity with the cost to be shared by the parties. Not 839
later than twenty days before the expiration date of the 840
contract or a later date to which both parties agree, the other 841
entity shall issue to the parties and director recommendations 842~~

~~on how the dispute may be resolved. The director shall adopt~~ 843
~~rules establishing the procedures of this dispute resolution~~ 844
~~process.~~(4) The terms of the contract shall include a process by 845
which the board may terminate the contract before it is 846
scheduled to expire, for any cause the board considers necessary 847
for the early termination of the contract, and a process by 848
which a provider may appeal the board's decision regarding the 849
early termination. 850

~~(E)~~(D) Section 307.86 of the Revised Code does not apply 851
to contracts entered into under this section, but a board of 852
alcohol, drug addiction, and mental health services may elect to 853
establish and use a process for selecting and entering into 854
contracts on a competitive basis or any other basis the board 855
considers appropriate. 856

Sec. 340.04. Each board of alcohol, drug addiction, and 857
mental health services shall employ a qualified mental health or 858
addiction services professional with experience in 859
administration or a professional administrator with experience 860
in mental health services or addiction services to serve as 861
executive director of the board and shall prescribe the 862
director's duties. 863

The board shall fix the compensation of the executive 864
director. In addition to such compensation, the director shall 865
be reimbursed for actual and necessary expenses incurred in the 866
performance of the director's official duties. The board, by 867
majority vote of the full membership, may remove the director 868
for cause at any time, contingent upon any written contract 869
between the board and the executive director, upon written 870
charges, after an opportunity has been afforded the director for 871
a hearing before the board on request. 872

The board may delegate to its executive director the 873
authority to act in its behalf in the performance of its 874
administrative duties. 875

As used in this section, "mental health professional" and 876
"addiction services professional" mean an individual who is 877
qualified to work with persons with mental illnesses or persons 878
receiving addiction services, pursuant to standards established 879
by the director of mental health and addiction services under 880
Chapter 5119. of the Revised Code. 881

Sec. 340.30. (A) There is hereby created the county hub 882
program to combat opioid addiction. The purposes of the program 883
are as follows: 884

(1) To strengthen county and community efforts to prevent 885
and treat opioid addiction; 886

(2) To educate youth and adults about the dangers of 887
opioid addiction and the negative effects it has on society; 888

(3) To promote family building and workforce development 889
as ways of ~~combatting~~ combating opioid addiction in communities; 890

(4) To encourage community engagement in efforts to 891
address the purposes specified in divisions (A) (1) to (3) of 892
this section. 893

(B) The program shall be administered by each board of 894
alcohol, drug addiction, and mental health services. If the 895
service district a board represents consists of more than one 896
county, the board shall administer the program in each county. 897

~~(C) Not later than January 1, 2020, each board shall 898
submit a report to the department of mental health and addiction 899
services summarizing the board's work on, and progress toward, 900~~

~~addressing each of the program's purposes. The department shall~~ 901
~~aggregate the reports received from the boards and submit a~~ 902
~~statewide report to the governor and general assembly. The copy~~ 903
~~submitted to the general assembly shall be submitted in~~ 904
~~accordance with section 101.68 of the Revised Code.~~ 905

Sec. 5119.01. (A) As used in this chapter: 906

(1) "Addiction" means the chronic and habitual use of 907
alcoholic beverages, the use of a drug of abuse as defined in 908
section 3719.011 of the Revised Code, or the use of gambling by 909
an individual to the extent that the individual no longer can 910
control the individual's use of alcohol, the individual becomes 911
physically or psychologically dependent on the drug, the 912
individual's use of alcohol or drugs endangers the health, 913
safety, or welfare of the individual or others, or the 914
individual's gambling causes psychological, financial, 915
emotional, marital, legal, or other difficulties endangering the 916
health, safety, or welfare of the individual or others. 917

(2) "Addiction services" means services, including 918
intervention, for the treatment of persons with alcohol, drug, 919
or gambling addictions, and for the prevention of such 920
addictions. 921

(3) "Alcohol and drug addiction services" means services, 922
including intervention, for the treatment of persons with 923
~~alcoholism~~alcohol use disorder or persons who abuse drugs of 924
abuse and for the prevention of ~~alcoholism~~alcohol use disorder 925
and drug addiction. 926

(4) ~~"Alcoholism"~~"Alcohol use disorder" means ~~the chronic~~ 927
~~and habitual use of alcoholic beverages by an individual to the~~ 928
~~extent that the individual no longer can~~a medical condition 929

characterized by an individual's impaired ability to stop or 930
control the individual's ~~use of alcohol or endangers the use~~ 931
~~despite adverse social, occupational, or health, safety, or~~ 932
~~welfare of the individual or others~~ consequences. An alcohol use 933
disorder may be classified as mild, moderate, or severe. 934

(5) "Certifiable services and supports" means all of the 935
following: 936

(a) Alcohol and drug addiction services; 937

(b) Mental health services; 938

(c) The types of recovery supports that are specified in 939
rules adopted under section 5119.36 of the Revised Code as 940
requiring certification under that section. 941

(6) "Community addiction services provider" means an 942
agency, association, corporation or other legal entity, 943
individual, or program that provides one or more of the 944
following: 945

(a) Alcohol and drug addiction services that are certified 946
by the director of mental health and addiction services under 947
section 5119.36 of the Revised Code; 948

(b) Gambling addiction services; 949

(c) Recovery supports that are related to alcohol and drug 950
addiction services or gambling addiction services and paid for 951
with federal, state, or local funds administered by the 952
department of mental health and addiction services or a board of 953
alcohol, drug addiction, and mental health services. 954

(7) "Community mental health services provider" means an 955
agency, association, corporation, individual, or program that 956
provides either of the following: 957

(a) Mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;	958 959 960
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	961 962 963 964 965
(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.	966 967 968 969 970
(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.	971 972 973 974 975
(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.	976 977 978
(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code <u>this chapter</u> .	979 980 981 982 983 984
(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and	985 986

recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "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.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness. "Recovery supports" does not mean alcohol and

drug addiction services or mental health services. 1016

~~(18) (a) "Residence"~~ (19) (a) "Residence," except when 1017
referring to a recovery housing residence or the meaning of 1018
"residence" in section 5119.90 of the Revised Code, means a 1019
person's physical presence in a county with intent to remain 1020
there, except in either of the following circumstances: 1021

(i) If a person is receiving a mental health treatment 1022
service at a facility that includes nighttime sleeping 1023
accommodations, "residence" means that county in which the 1024
person maintained the person's primary place of residence at the 1025
time the person entered the facility; 1026

(ii) If a person is committed pursuant to section 2945.38, 1027
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 1028
"residence" means the county where the criminal charges were 1029
filed. 1030

(b) When the residence of a person is disputed, the matter 1031
of residence shall be referred to the department of mental 1032
health and addiction services for investigation and 1033
determination. Residence shall not be a basis for a board of 1034
alcohol, drug addiction, and mental health services to deny 1035
services to any person present in the board's service district, 1036
and the board shall provide services for a person whose 1037
residence is in dispute while residence is being determined and 1038
for a person in an emergency situation. 1039

(B) Any reference in this chapter to a board of alcohol, 1040
drug addiction, and mental health services also refers to an 1041
alcohol and drug addiction services board or a community mental 1042
health board in a service district in which an alcohol and drug 1043
addiction services board or a community mental health board has 1044

been established under section 340.021 or former section 340.02 1045
of the Revised Code. 1046

Sec. 5119.36. (A) A community mental health services 1047
provider applicant or community addiction services provider 1048
applicant that seeks initial certification of its certifiable 1049
services and supports, or renewal of the certification of those 1050
services and supports, shall submit an application to the 1051
director of mental health and addiction services. On receipt of 1052
the application, the director may conduct an on-site review and 1053
shall evaluate the applicant to determine whether its 1054
certifiable services and supports satisfy the standards 1055
established by rules adopted under this section. The director 1056
shall make the evaluation, and, if the director conducts an on- 1057
site review of the applicant, ~~may make~~ conduct the review, in 1058
cooperation with a board of alcohol, drug addiction, and mental 1059
health services that seeks to contract with the applicant under 1060
section 340.036 of the Revised Code. 1061

Not later than fourteen days after receipt of an initial 1062
or renewal application, the director shall provide a copy of the 1063
applicant's application materials to the board of alcohol, drug 1064
addiction, and mental health services serving the alcohol, drug 1065
addiction, and mental health service district in which the 1066
applicant's certifiable services and supports will be provided. 1067
The board may respond to the director with any additional 1068
information or concerns regarding the application, not later 1069
than thirty days after receipt of the application materials. If 1070
the board responds within the thirty-day period with significant 1071
concerns regarding the application, the director shall meet with 1072
the board regarding the concerns. 1073

Not later than thirty days after a provider's 1074

certification ceases to be valid for any reason, including the 1075
provider's failure to renew the certification before it expired, 1076
the director's acceptance of the provider's surrender of the 1077
certification, or the issuance of a final order for disciplinary 1078
action under division (C) or (H) of this section, the director 1079
shall provide notice to the applicable board of alcohol, drug 1080
addiction, and mental health services of the reason the 1081
certification ceased to be valid and the date it became invalid. 1082

(B) Subject to section 5119.361 of the Revised Code, the 1083
director shall determine whether the certifiable services and 1084
supports of a community mental health services provider 1085
applicant or community addiction services provider applicant 1086
satisfy the standards for certification. If the director 1087
determines that an applicant's certifiable services and supports 1088
satisfy the standards for certification and the applicant has 1089
paid the fee required by this section, the director shall 1090
certify the certifiable services and supports. 1091

No community mental health services provider shall be 1092
eligible to receive for its certifiable services and supports 1093
any state funds, federal funds, or funds administered by a board 1094
of alcohol, drug addiction, and mental health services, unless 1095
those certifiable services and supports have been certified by 1096
the director. 1097

No person or government entity subject to section 5119.35 1098
of the Revised Code or any other community addiction services 1099
provider shall be eligible to receive for its services described 1100
in that section or its other certifiable services and supports 1101
any state funds, federal funds, or funds administered by a board 1102
of alcohol, drug addiction, and mental health services, unless 1103
those services or other certifiable services and supports have 1104

been certified by the director. 1105

(C) The director may refuse to certify certifiable 1106
services and supports, refuse to renew certification, or revoke 1107
certification if any of the following apply to an applicant for 1108
certification or the holder of the certification: 1109

(1) The applicant or holder is not in compliance with 1110
rules adopted under this section. 1111

(2) The applicant or holder has been cited for a pattern 1112
of serious noncompliance or repeated violations of statutes or 1113
rules during the current certification period or any previous 1114
certification period. 1115

(3) The applicant or holder has been found to be in 1116
violation of section 5119.396 of the Revised Code. 1117

(4) The applicant or holder submits false or misleading 1118
information as part of a certification application, renewal, or 1119
investigation. 1120

(D) Proceedings initiated to deny applications to certify 1121
certifiable services and supports, to refuse to renew 1122
certification, or to revoke certification are governed by 1123
Chapter 119. of the Revised Code. If an order has been issued 1124
suspending admissions to a community addiction services provider 1125
that provides overnight accommodations, as provided in division 1126
(H) of this section, the order remains in effect during the 1127
pendency of those proceedings. 1128

(E) If the director ~~determines that a community mental~~ 1129
~~health services provider applicant's or a community addiction~~ 1130
~~services provider applicant's certifiable services and supports~~ 1131
~~do not satisfy the standards for certification~~proposes to take 1132
action under division (C) of this section, the director shall 1133

notify the board of alcohol, drug addiction, and mental health 1134
services serving the alcohol, drug addiction, and mental health 1135
service district in which the certifiable services and supports 1136
will be or were provided, and provide the board opportunity to 1137
respond as specified in division (A) of this section with 1138
respect to initial or renewal applications. 1139

When a final order is issued by the director under 1140
division (C) of this section, the director may request that the 1141
appropriate board of alcohol, drug addiction, and mental health 1142
services reallocate any funds for the certifiable services and 1143
supports the applicant was to provide to another community 1144
mental health services provider or community addiction services 1145
provider whose certifiable services and supports satisfy the 1146
standards. If the board does not reallocate such funds in a 1147
reasonable period of time, the director may withhold state and 1148
federal funds for the certifiable services and supports and 1149
allocate those funds directly to a community mental health 1150
services provider or community addiction services provider whose 1151
certifiable services and supports satisfy the standards. 1152

(F) Each community mental health services provider 1153
applicant or community addiction services provider applicant 1154
seeking certification of its certifiable services and supports 1155
under this section shall pay a fee for the certification 1156
required by this section, unless the applicant is exempt under 1157
rules adopted under this section. Fees shall be paid into the 1158
state treasury to the credit of the sale of goods and services 1159
fund created pursuant to section 5119.45 of the Revised Code. 1160

(G) The director shall adopt rules in accordance with 1161
Chapter 119. of the Revised Code to implement this section. The 1162
rules shall do all of the following: 1163

(1) Subject to section 340.034 of the Revised Code, 1164
specify the types of recovery supports that are required to be 1165
certified under this section; 1166

(2) Establish certification standards for certifiable 1167
services and supports that are consistent with nationally 1168
recognized applicable standards and facilitate participation in 1169
federal assistance programs. The rules shall include as 1170
certification standards only requirements that improve the 1171
quality of certifiable services and supports or the health and 1172
safety of persons receiving certifiable services and supports. 1173
The standards shall address at a minimum all of the following: 1174

(a) Reporting major unusual incidents to the director; 1175

(b) Procedures for applicants for and persons receiving 1176
certifiable services and supports to file grievances and 1177
complaints; 1178

(c) Seclusion; 1179

(d) Restraint; 1180

(e) Requirements regarding the physical facilities in 1181
which certifiable services and supports are provided; 1182

(f) Requirements with regard to health, safety, adequacy, 1183
and cultural specificity and sensitivity; 1184

(g) Standards for evaluating certifiable services and 1185
supports; 1186

(h) Standards and procedures for granting full, 1187
probationary, and interim certification of the certifiable 1188
services and supports of a community mental health services 1189
provider applicant or community addiction services provider 1190
applicant; 1191

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	1192 1193 1194 1195 1196
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	1197 1198 1199
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	1200 1201 1202
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	1203 1204 1205
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	1206 1207
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	1208 1209 1210 1211
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	1212 1213 1214 1215 1216
(3) Establish the process for certification of certifiable services and supports;	1217 1218
(4) Set the amount of certification review fees;	1219

(5) Specify the type of notice and hearing to be provided 1220
prior to a decision on whether to reallocate funds. 1221

(H) (1) The director may issue an order suspending 1222
admissions to a community addiction services provider that 1223
provides overnight accommodations if the director finds either 1224
of the following: 1225

(a) The provider's certifiable services and supports are 1226
not in compliance with rules adopted under this section; 1227

(b) The provider has been cited for more than one 1228
violation of statutes or rules during any previous certification 1229
period of the provider. 1230

(2) (a) Except as provided in division (H) (2) (b) of this 1231
section, proceedings initiated to suspend admissions to a 1232
community addiction services provider that provides overnight 1233
accommodations are governed by Chapter 119. of the Revised Code. 1234

(b) If a suspension of admissions is proposed because the 1235
director has determined that the provider has demonstrated a 1236
pattern of serious noncompliance or that a violation creates a 1237
substantial risk to the health and safety of patients, the 1238
director may issue an order suspending admissions before 1239
providing an opportunity for an adjudication under Chapter 119. 1240
of the Revised Code. The director shall lift the order for the 1241
suspension of admissions if the director determines that the 1242
violation that formed the basis for the order has been 1243
corrected. 1244

(3) Appeals from proceedings initiated to order the 1245
suspension of admissions shall be conducted in accordance with 1246
Chapter 119. of the Revised Code, unless the order was issued 1247
before providing an opportunity for an adjudication, in which 1248

case all of the following apply: 1249

(a) The provider may request a hearing not later than ten 1250
days after receiving the notice specified in section 119.07 of 1251
the Revised Code. 1252

(b) If a timely request for a hearing that includes the 1253
provider's current address is made, the hearing shall commence 1254
not later than thirty days after the department receives the 1255
request. 1256

(c) After commencing, the hearing shall continue 1257
uninterrupted, except for Saturdays, Sundays, and legal 1258
holidays, unless other interruptions are agreed to by the 1259
provider and the director. 1260

(d) If the hearing is conducted by a hearing examiner, the 1261
hearing examiner shall file a report and recommendations with 1262
the department not later than ten days after the last of the 1263
following: 1264

(i) The close of the hearing; 1265

(ii) If a transcript of the proceedings is ordered, the 1266
hearing examiner receives the transcript; 1267

(iii) If post-hearing briefs are timely filed, the hearing 1268
examiner receives the briefs. 1269

(e) The hearing examiner shall send a written copy of the 1270
report and recommendations, by certified mail, to the provider, 1271
or the provider's attorney, if applicable, not later than five 1272
days after the report is filed with the department. 1273

(f) Not later than five days after receiving the report 1274
and recommendations, the provider may file objections with the 1275
department. 1276

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(I) (1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

(J) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

(K) No person shall represent in any manner that a
community mental health services provider's or community
addiction services provider's certifiable services and supports
are certified by the director if the certifiable services and
supports are not so certified at the time the representation is
made.

(L) If a board of alcohol, drug addiction, and mental
health services requests the department of mental health and
addiction services to investigate a community mental health
services provider or community addiction services provider
pursuant to this section, the department shall initiate the
investigation not later than ten business days after receipt of
the request. If the department initiates an investigation of a
community mental health services provider or community addiction
services provider under this section for any other reason, the
department shall notify the board of alcohol, drug addiction,
and mental health services serving the applicable alcohol, drug
addiction, and mental health service district of the
investigation and the reason not later than three business days
after the initiation. In either event, the department shall keep
the board updated on the status of the investigation, including
any final disposition of the investigation.

Sec. 5119.363. The director of mental health and addiction
services shall adopt rules governing ~~the duties of boards of~~
~~alcohol, drug addiction, and mental health services under~~
~~section 340.20 of the Revised Code and the duties of community~~
addiction services providers under section 5119.362 of the
Revised Code. The rules shall be adopted in accordance with
Chapter 119. of the Revised Code.

The director shall adopt rules under this section that

authorize the department of mental health and addiction services 1337
to determine an advanced practice registered nurse's, physician 1338
assistant's, or physician's compliance with section 3719.064 of 1339
the Revised Code if such practitioner works for a community 1340
addiction services provider. 1341

Sec. 5119.39. (A) The department of mental health and 1342
addiction services shall monitor the operation of recovery 1343
housing in this state by doing either of the following: 1344

(1) Certifying recovery housing residences through a 1345
process established by the department; 1346

(2) Accepting accreditation, or its equivalent for the 1347
service of recovery housing, from one or more of the following: 1348

(a) The Ohio affiliate of the national alliance for 1349
recovery residences; 1350

(b) Oxford house, inc.; 1351

(c) Any other organization that is designated by the 1352
department for purposes of this section. 1353

(B) If the department certifies recovery housing 1354
residences, the department shall, in rules adopted under section 1355
5119.397 of the Revised Code, establish requirements for initial 1356
certification and renewal certification, as well as grounds and 1357
procedures for disciplinary action against operators of recovery 1358
housing residences. 1359

Sec. 5119.391. (A) The department of mental health and 1360
addiction services shall monitor the establishment of recovery 1361
housing residences in this state. 1362

(B) For purposes of division (A) of this section, and 1363
within the timeframe specified in division (C) of this section, 1364

each person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information: 1365
1366
1367
1368
1369
1370

(1) The name of the recovery housing residence and any other name under which the residence does business; 1371
1372

(2) The address of the recovery housing residence; 1373

(3) The name of the person or government entity operating the residence; 1374
1375

(4) The primary telephone number and electronic mail address for the recovery housing operator; 1376
1377

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident; 1378
1379

(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining; 1380
1381
1382

(7) Any other information the department considers appropriate. 1383
1384

(C) The form required by division (B) of this section shall be filed with the department as follows: 1385
1386

(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section; 1387
1388
1389

(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not 1390
1391

later than thirty days after the first resident begins occupying 1392
the residence. 1393

(D) If the department accepts accreditation or its 1394
equivalent from an organization specified in section 5119.39 of 1395
the Revised Code, the department may provide copies of forms 1396
filed in accordance with this section to any such organization. 1397

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 1398
government entity shall operate a recovery housing residence 1399
unless either of the following applies: 1400

(1) (a) If the department of mental health and addiction 1401
services certifies recovery housing residences, the recovery 1402
housing residence is certified by the department. 1403

(b) If the department accepts accreditation or its 1404
equivalent from an organization specified in section 5119.39 of 1405
the Revised Code, the residence is accredited by such an 1406
organization. 1407

(2) The recovery housing residence has been operating for 1408
not more than eighteen months and is actively engaged in efforts 1409
to obtain certification or accreditation, as applicable. For 1410
purposes of identifying this eighteen-month timeframe, a 1411
recovery housing residence is considered to begin operating on 1412
the date that the first resident occupies the residence, as 1413
specified on the form filed in accordance with section 5119.391 1414
of the Revised Code. 1415

(B) If the director of mental health and addiction 1416
services determines that a recovery housing residence is 1417
operating in violation of this section, the director may 1418
petition the court of common pleas of the county in which the 1419
recovery housing residence is located for an order enjoining 1420

operation of the recovery housing residence. 1421

Sec. 5119.393. (A) The department of mental health and 1422
addiction services shall establish a procedure to receive and 1423
investigate complaints from residents, staff, and the public 1424
regarding recovery housing residences. The department may 1425
contract with one or more of the organizations specified in 1426
section 5119.39 of the Revised Code to fulfill some or all of 1427
the functions associated with receiving and investigating 1428
complaints. 1429

(B) Any organization under contract with the department to 1430
receive and investigate complaints shall make reports to the 1431
department as follows: 1432

(1) Not less than monthly, the contractor shall report the 1433
status of each pending investigation and shall report the 1434
outcome of each investigation that has been completed since the 1435
last report was made; 1436

(2) As soon as practicable, but not less than ten days 1437
after making an adverse decision, if a contractor's 1438
accreditation or its equivalent is accepted by the department 1439
for purposes of section 5119.39 of the Revised Code, the 1440
contractor shall report that decision to the department in a 1441
manner prescribed by the department. 1442

Sec. 5119.394. (A) The department of mental health and 1443
addiction services shall establish and maintain a registry of 1444
recovery housing residences that meet the criteria described in 1445
division (A)(1) or (2) of section 5119.392 of the Revised Code. 1446
For each residence, the registry shall include all of the 1447
following: 1448

(1) Information on the form required by division (B) of 1449

section 5119.391 of the Revised Code; 1450

(2) If a complaint received under section 5119.393 of the 1451
Revised Code has been investigated, a description of the 1452
complaint, the date the complaint was submitted to the 1453
department or its contractor, and the outcome of the 1454
investigation; 1455

(3) Any other information the department considers 1456
appropriate. 1457

(B) The department shall immediately remove from the 1458
registry a recovery housing residence that ceases to meet the 1459
criteria described in division (A) (1) or (2) of section 5119.392 1460
of the Revised Code, including if the criteria described in 1461
those divisions ceases to be met because the residence has had 1462
its certification or accreditation, as applicable, revoked or 1463
not renewed. 1464

(C) The department shall make the registry available to 1465
the public on the department's web site. 1466

Sec. 5119.395. Beginning January 1, 2025, no person or 1467
government entity shall advertise or represent any residence or 1468
other building to be a recovery housing residence, sober living 1469
home, or any other alcohol and drug free housing for persons 1470
recovering from alcohol use disorder or drug addiction unless 1471
the residence or building meets either of the following 1472
conditions: 1473

(A) The residence or building is on the registry 1474
established and maintained under section 5119.394 of the Revised 1475
Code. 1476

(B) The residence or building is regulated by the 1477
department of rehabilitation and correction under section 1478

2967.14 of the Revised Code. 1479

Sec. 5119.396. Beginning January 1, 2025, community 1480
addiction services providers and community mental health 1481
services providers shall not refer clients to a recovery housing 1482
residence unless the residence is on the registry established 1483
and maintained under section 5119.394 of the Revised Code on the 1484
date that the referral is made. Community addiction services 1485
providers and community mental health services providers shall 1486
maintain records of all referrals made to recovery housing 1487
residences. 1488

Sec. 5119.397. The director of mental health and addiction 1489
services may adopt rules to implement sections 5119.39 to 1490
5119.396 of the Revised Code. Any rules adopted under this 1491
section shall be adopted in accordance with Chapter 119. of the 1492
Revised Code. 1493

Sec. 5119.48. (A) The department of mental health and 1494
addiction services shall create the all roads lead to home 1495
program. The program shall include all of the following 1496
initiatives: 1497

(1) A media campaign. As part of the campaign, the 1498
department shall develop public service announcements and shall 1499
make the announcements available to television and radio media 1500
outlets. The announcements shall be made available beginning on 1501
January 1, 2018, and at least twice annually, once between 1502
January and March of each year, and once in September of each 1503
year as part of national recovery month. 1504

(2) A web site as described in division (C) of this 1505
section; 1506

(3) A twenty-four-hour hotline, that is operated by a call 1507

center, for the purpose of helping individuals access addiction 1508
services. 1509

(B) The media campaign described in division (A) (1) of 1510
this section shall do all of the following: 1511

(1) Include messages to reduce the stigma associated with 1512
seeking help for drug addiction; 1513

(2) Provide directions for people who are in need of drug 1514
addiction assistance to a web-based location that includes all 1515
of the following: 1516

(a) Information on where to find help for drug addiction; 1517

(b) Information on intervention and referral options; 1518

(c) Contact information for county board drug addiction 1519
assistance authorities. 1520

(3) Prioritize its efforts in media markets that have the 1521
highest rates of drug overdose deaths in this state; 1522

(4) Utilize television and radio public service 1523
announcements provided to media outlets, as well as internet 1524
advertising models such as low-cost social media outlets. 1525

(C) Before January 1, 2018, the department shall create a 1526
web site as described in division (A) (2) of this section that 1527
offers all of the following components: 1528

(1) If reasonably available for use, an evidence-based 1529
self-reporting screening tool approved by the department's 1530
medical director; 1531

(2) Community detoxification and withdrawal management 1532
options and community treatment options; 1533

(3) A searchable database of certified substance abuse 1534

providers organized by zip code; 1535

(4) Information on recovery supports, including recovery 1536
housing residences; 1537

(5) Clinical information regarding what a person may 1538
expect during detoxification, withdrawal, and treatment. 1539

(D) The department may contract with private vendors for 1540
the creation and maintenance of the interactive web site 1541
described in division (C) of this section. 1542

Sec. 5119.61. (A) The department of mental health and 1543
addiction services shall collect and compile statistics and 1544
other information on the care and treatment of persons with 1545
mental disabilities, and the care, treatment, and rehabilitation 1546
of persons with ~~alcoholism~~alcohol use disorder, persons with 1547
drug dependencies, persons in danger of drug dependence, and 1548
persons with or in danger of developing a gambling addiction in 1549
this state. The information shall include, without limitation, 1550
information on the number of such persons, the type of drug 1551
involved, if any, the type of care, treatment, or rehabilitation 1552
prescribed or undertaken, and the success or failure of the 1553
care, treatment, or rehabilitation. The department shall collect 1554
information about addiction services, mental health services, 1555
and recovery supports delivered and persons served as required 1556
for reporting and evaluation relating to state and federal funds 1557
expended for such purposes. 1558

(B) No community addiction services provider or community 1559
mental health services provider shall fail to supply statistics 1560
and other information within its knowledge and with respect to 1561
its addiction services, mental health services, and recovery 1562
supports upon request of the department. 1563

(C) Communications by a person seeking aid in good faith 1564
for ~~alcoholism~~alcohol use disorder or drug dependence are 1565
confidential, and this section does not require the collection 1566
or permit the disclosure of information which reveals or 1567
comprises the identity of any person seeking aid. 1568

(D) Based on the information collected and compiled under 1569
division (A) of this section, the department shall develop a 1570
project to assess the outcomes of persons served by community 1571
addiction services providers and community mental health 1572
services providers that receive funds distributed by the 1573
department. 1574

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 1575
the Revised Code: 1576

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ 1577
alcohol use disorder or drug addiction. 1578

(B) "Another drug" means a controlled substance as defined 1579
in section 3719.01 of the Revised Code or a harmful intoxicant 1580
as defined in section 2925.01 of the Revised Code. 1581

(C) "Board of alcohol, drug addiction, and mental health 1582
services" means a board of alcohol, drug addiction, and mental 1583
health services established under section 340.02 or 340.021 of 1584
the Revised Code. 1585

(D) "Danger" or "threat of danger to self, family, or 1586
others" means substantial physical harm or threat of substantial 1587
physical harm upon self, family, or others. 1588

(E) "Hospital" has the same meaning as in section 3701.01 1589
or 3727.01 of the Revised Code but does not include either a 1590
hospital operated by the department of mental health and 1591
addiction services or an inpatient unit licensed by the 1592

department. 1593

(F) "Intoxicated" means being under the influence of 1594
alcohol, another drug, or both alcohol and another drug and, as 1595
a result, having a significantly impaired ability to function. 1596

(G) "Petitioner" means a person who institutes a 1597
proceeding under sections 5119.91 to 5119.98 of the Revised 1598
Code. 1599

(H) "Probate court" means the probate division of the 1600
court of common pleas. 1601

(I) "Qualified health professional" means a person that is 1602
properly credentialed or licensed to conduct a drug and alcohol 1603
assessment and diagnosis under Ohio law. 1604

(J) "Residence" means the legal residence of a person as 1605
determined by applicable principles governing conflicts of law. 1606

(K) "Respondent" means a person alleged in a petition 1607
filed or hearing under sections 5119.91 to 5119.98 of the 1608
Revised Code to be a person who is experiencing alcohol and 1609
other drug abuse and who may be ordered under those sections to 1610
undergo treatment. 1611

(L) "Treatment" means services and programs for the care 1612
and rehabilitation of intoxicated persons and persons 1613
experiencing alcohol and other drug abuse. "Treatment" includes 1614
residential treatment, a halfway house setting, and an intensive 1615
outpatient or outpatient level of care. 1616

Sec. 5119.99. (A) Whoever violates section 5119.333, 1617
division (A) of section 5119.392, or section 5119.395 of the 1618
Revised Code is guilty of a misdemeanor of the first degree. 1619

(B) Whoever violates division (B) of section 5119.61 of 1620

the Revised Code is guilty of a misdemeanor of the fourth 1621
degree. 1622

(C) Whoever violates section 5119.27 or 5119.28, division 1623
(A) of section 5119.35, division (K) of section 5119.36, or 1624
division (A) (1) or (2) of section 5119.37 of the Revised Code is 1625
guilty of a felony of the fifth degree. 1626

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 1627
of the Revised Code, "information" means all of the following: 1628

(1) Records, as defined in section 149.011 of the Revised 1629
Code; 1630

(2) Any other documents in any format; 1631

(3) Data derived from records and documents that are 1632
generated, acquired, or maintained by the department of 1633
medicaid, a county department of job and family services, or an 1634
entity performing duties on behalf of the department or a county 1635
department. 1636

(B) Except as permitted by this section, division (B) of 1637
section 340.035, section 5160.47, or rules authorized by section 1638
5160.48 or 5160.481 of the Revised Code, or when required by 1639
federal law, no person or government entity shall use or 1640
disclose information regarding a medical assistance recipient 1641
for any purpose not directly connected with the administration 1642
of a medical assistance program. 1643

(C) Both of the following shall be considered to be 1644
purposes directly connected with the administration of a medical 1645
assistance program: 1646

(1) Treatment, payment, or other operations or activities 1647
authorized by 42 C.F.R. Chapter IV; 1648

(2) Any administrative function or duty the department of
medicaid performs alone or jointly with a federal government
entity, another state government entity, or a local government
entity implementing a provision of federal law.

(D) The department or a county department of job and
family services may disclose information regarding a medical
assistance recipient to any of the following:

(1) The recipient or the recipient's authorized
representative;

(2) The recipient's legal guardian in accordance with
division (C) of section 2111.13 of the Revised Code;

(3) The attorney of the recipient, if the department or
county department has obtained authorization from the recipient
or the recipient's authorized representative or legal guardian
that meets all requirements of the Health Insurance Portability
and Accountability Act of 1996, 42 U.S.C. 1320d et seq.,
regulations promulgated by the United States department of
health and human services to implement the act, section 5160.46
of the Revised Code, and any rules authorized by section 5160.48
of the Revised Code;

(4) A health information or health records management
entity that has executed with the department a business
associate agreement required by 45 C.F.R 164.502(e) (2) and has
been authorized by the recipient or the recipient's authorized
representative or legal guardian to receive the recipient's
electronic health records in accordance with rules authorized by
section 5160.48 of the Revised Code;

(5) A court if pursuant to a written order of the court.

(E) The department may receive from county departments of

job and family services information regarding any medical 1678
assistance recipient for purposes of training and verifying the 1679
accuracy of eligibility determinations for a medical assistance 1680
program. The department may assemble information received under 1681
this division into a report if the report is in a form specified 1682
by the department. Information received and assembled into a 1683
report under this division shall remain confidential and not be 1684
subject to disclosure pursuant to section 149.43 or 1347.08 of 1685
the Revised Code. 1686

(F) The department shall notify courts in this state 1687
regarding its authority, under division (D)(5) of this section, 1688
to disclose information regarding a medical assistance recipient 1689
pursuant to a written court order. 1690

Section 2. That existing sections 340.01, 340.02, 340.022, 1691
340.03, 340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 1692
340.30, 5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 1693
5119.99, and 5160.45 of the Revised Code are hereby repealed. 1694

Section 3. That sections 340.20 and 3720.041 of the 1695
Revised Code are hereby repealed. 1696

Section 4. Section 340.036 of the Revised Code, as amended 1697
by this act, applies to contracts entered into, modified, or 1698
renewed on or after the effective date of this section. 1699