

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 515

Representative Williams

To amend sections 340.02 and 340.036 of the Revised 1
Code regarding the composition of boards of 2
alcohol, drug addiction, and mental health 3
services and regarding board contracts. 4

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

Section 1. That sections 340.02 and 340.036 of the Revised 5
Code be amended to read as follows: 6

Sec. 340.02. (A) For each alcohol, drug addiction, and 7
mental health service district, there shall be appointed a board 8
of alcohol, drug addiction, and mental health services. As 9
provided in this section, the board shall consist of eighteen 10
members, fifteen members, fourteen members, twelve members, or 11
nine members. 12

In a single-county district, the size of the board shall 13
be determined by the board of county commissioners representing 14
the county that constitutes the district. In a joint-county 15
district, the size of the board shall be determined jointly by 16
all of the boards of county commissioners representing the 17
counties that constitute the district. 18

The determination of board size shall be made by selecting 19
one of the options described in division (B) of this section. 20

After an option is selected and implemented, a subsequent 21
determination of board size may be made, except that subsequent 22
determinations shall not occur more frequently than once every 23
four calendar years. 24

If a selected option would result in a change in board 25
size, before the option may be implemented the board of county 26
commissioners or boards of county commissioners, as the case may 27
be, shall send a representative to a meeting of the board of 28
alcohol, drug addiction, and mental health services to solicit 29
feedback about the matter. After considering any feedback 30
received, the board or boards of county commissioners may 31
proceed with implementing the change in board size. If the 32
change results in a reduction of board members, the reduction 33
shall be implemented by not filling vacancies as they occur. 34

To implement a selected option that would result in the 35
establishment of a new board of alcohol, drug addiction, and 36
mental health services or in a change in size of an existing 37
board, the board or boards of county commissioners, as the case 38
may be, shall adopt a resolution specifying the board size that 39
has been selected. The board or boards of county commissioners 40
also shall notify the department of behavioral health of the 41
board size that has been selected. 42

(B) (1) In the case of a board of alcohol, drug addiction, 43
and mental health services that is established on or after 44
October 3, 2023, any of the following options may be selected 45
for purposes of division (A) of this section: 46

(a) To establish the board as an eighteen-member board; 47

(b) To establish the board as a fifteen-member board; 48

(c) To establish the board as a fourteen-member board; 49

(d) To establish the board as a twelve-member board;	50
(e) To establish the board as a nine-member board;	51
(f) To change the board's size after it has been	52
established by selecting a number of members that is eighteen,	53
fifteen, fourteen, twelve, or nine, as the case may be.	54
(2) In the case of a board of alcohol, drug addiction, and	55
mental health services that existed immediately prior to October	56
3, 2023, either of the following options may be selected for	57
purposes of division (A) of this section:	58
(a) To continue the board's operation as an eighteen-	59
member or fourteen-member board, as a board of that size was	60
authorized prior to October 3, 2023, in which case no further	61
action is required;	62
(b) To change the board's size by selecting a number of	63
members that is eighteen, fifteen, fourteen, twelve, or nine as	64
the case may be.	65
(C) All members shall be residents of the service	66
district. The membership shall, as nearly as possible, reflect	67
the composition-political party preferences of the population of	68
the service district as to race and sex , based on state and	69
<u>federal partisan general election results in the service</u>	70
<u>district during the last ten years.</u>	71
The director of behavioral health shall appoint one-third	72
of the members of the board and the board of county	73
commissioners shall appoint two-thirds of the members. In a	74
joint-county district, the board of county commissioners of each	75
participating county shall appoint members in as nearly as	76
possible the same proportion as that county's population bears	77
to the total population of the district, except that at least	78

one member shall be appointed from each participating county. 79

The director of behavioral health shall ensure that at 80
least one member of the board is a clinician with experience in 81
the delivery of mental health services, at least one member of 82
the board is a person who has received or is receiving mental 83
health services, at least one member of the board is a parent or 84
other relative of such a person, at least one member of the 85
board is a clinician with experience in the delivery of 86
addiction services, at least one member of the board is a person 87
who has received or is receiving addiction services, and at 88
least one member of the board is a parent or other relative of 89
such a person. A single member who meets both qualifications may 90
fulfill the requirement for a clinician with experience in the 91
delivery of mental health services and a clinician with 92
experience in the delivery of addiction services. 93

No member or employee of a board of alcohol, drug 94
addiction, and mental health services shall serve as a member of 95
the board of any provider with which the board of alcohol, drug 96
addiction, and mental health services has entered into a 97
contract for the provision of services or facilities. No member 98
of a board of alcohol, drug addiction, and mental health 99
services shall be an employee of any provider with which the 100
board has entered into a contract for the provision of services 101
or facilities. No person shall be an employee of a board and 102
such a provider unless the board and provider both agree in 103
writing. 104

No person shall serve as a member of the board of alcohol, 105
drug addiction, and mental health services whose spouse, child, 106
parent, brother, sister, grandchild, stepparent, stepchild, 107
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 108

law, daughter-in-law, brother-in-law, or sister-in-law serves as 109
a member of the board of any provider with which the board of 110
alcohol, drug addiction, and mental health services has entered 111
into a contract for the provision of services or facilities. No 112
person shall serve as a member or employee of the board whose 113
spouse, child, parent, brother, sister, stepparent, stepchild, 114
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 115
law, daughter-in-law, brother-in-law, or sister-in-law serves as 116
a county commissioner of a county or counties in the alcohol, 117
drug addiction, and mental health service district. 118

Each year each board member shall attend at least one 119
inservice training session provided or approved by the 120
department of behavioral health. 121

Each member shall be appointed for a term of four years, 122
commencing the first day of July, except that when a board is 123
established on or after October 3, 2023, the initial 124
appointments shall be staggered among the members as equally as 125
possible with terms of two years, three years, and four years. 126

No member shall serve more than two consecutive four-year 127
terms under the same appointing authority. A member may serve 128
for three consecutive terms under the same appointing authority 129
only if one of the terms is for less than two years. A member 130
who has served two consecutive four-year terms or three 131
consecutive terms totaling less than ten years is eligible for 132
reappointment by the same appointing authority one year 133
following the end of the second or third term, respectively. 134

When a vacancy occurs, appointment for the expired or 135
unexpired term shall be made in the same manner as an original 136
appointment. The board shall notify the appointing authority 137
either by certified mail or, if the board has record of an 138

internet identifier of record associated with the authority, by 139
ordinary mail and by that internet identifier of record of any 140
vacancy and shall fill the vacancy within sixty days following 141
that notice. As used in this paragraph, "internet identifier of 142
record" has the same meaning as in section 9.312 of the Revised 143
Code. 144

Any member of the board may be removed from office by the 145
appointing authority at will. Before a member may be removed at 146
will, the member shall be informed in writing of the proposed 147
removal and afforded an opportunity for a public hearing. Upon 148
the absence of a member within one year from either four board 149
meetings or from two board meetings without prior notice, the 150
board shall notify the appointing authority, which may vacate 151
the appointment and appoint another person to complete the 152
member's term. 153

Members of the board shall serve without compensation, but 154
shall be reimbursed for actual and necessary expenses incurred 155
in the performance of their official duties, as defined by rules 156
of the department of behavioral health. 157

Sec. 340.036. (A) Subject to division (B) of this section 158
and rules adopted by the director of behavioral health after 159
consultation with relevant constituencies as required by 160
division (A)(10) of section 5119.21 of the Revised Code, each 161
board of alcohol, drug addiction, and mental health services 162
shall provide for the continuum of care pursuant to section 163
340.032 of the Revised Code by entering into contracts with all 164
of the following: 165

(1) Public and private facilities for the operation of 166
facility services; 167

(2) Community addiction services providers for addiction services and recovery supports;	168 169
(3) Community mental health services providers for mental health services and recovery supports.	170 171
(B) No board shall do any of the following:	172
(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;	173 174 175
(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;	176 177 178 179 180
(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or competencies.	181 182 183 184 185
(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:	186 187 188 189
(1) The board shall consider both of the following:	190
(a) The cost effectiveness and quality of the provider's services and supports;	191 192
(b) Continuity of care.	193
(2) The board may review cost elements specific to the	194

provider's services and supports under contract with the board. 195

(3) The board may establish, in a way that is most 196
effective and efficient in meeting local needs, a utilization 197
review process as part of the contract. 198

(4) The board may contract with a government entity, for- 199
profit entity, or nonprofit entity. Any such entity may be 200
faith-based. No board shall deny a contract to or refuse to 201
contract with a for-profit entity or nonprofit entity, including 202
a faith-based entity, based solely on the entity's for-profit or 203
nonprofit status. 204

(5) The contract shall include terms that specify a 205
process by which either contracting party may terminate the 206
contract before it is scheduled to expire, with at least thirty 207
days' notice, for any cause the party considers necessary for 208
the early termination of the contract. The process shall include 209
procedures under which the party subject to the early 210
termination decision may appeal that decision to the terminating 211
party's governing board. 212

(6) The contract shall provide for the transition of care, 213
when applicable to client services, for an additional sixty days 214
under the terms of the current contract, in both of the 215
following circumstances: 216

(a) If notice is provided that the contract will be 217
terminated early as permitted under the terms of the contract 218
pursuant to division (C) (5) of this section; 219

(b) If the contract is not entered into for a subsequent 220
term pursuant to division (D) of this section. 221

(D) If a party to a contract entered into under this 222
section intends not to enter into a contract for a subsequent 223

term, the other party shall be given written notice at least 224
sixty days before the expiration date of the current contract. 225
If neither party provides such notice, a subsequent contract 226
shall be entered into upon successful negotiation of contract 227
terms. 228

(E) Section 307.86 of the Revised Code does not apply to 229
contracts entered into under this section, but a board of 230
alcohol, drug addiction, and mental health services may choose 231
to use a competitive selection process to enter into contracts 232
for services and supports. The board's selection determinations 233
shall allow for compliance with the notice requirements of 234
divisions (C) (5) and (D) of this section. Any competitive 235
selection process used under this section shall prohibit 236
conflicts of interest and shall include the following elements: 237

(1) Notice of opportunity for submission of applications 238
for contracts; 239

(2) Eligibility criteria for applicants; 240

(3) Consideration of the scope of services and supports 241
proposed by applicants; 242

(4) Selection criteria; 243

(5) Timelines for application submission and the award of 244
contracts. 245

Section 2. That existing sections 340.02 and 340.036 of 246
the Revised Code are hereby repealed. 247

Section 3. The version of section RC 340.036 of the 248
Revised Code that is scheduled to take effect March 30, 2026, is 249
presented in this act as a composite of the section as amended 250
by both H.B. 96 and S.B. 138 of the 136th General Assembly. The 251

General Assembly, applying the principle stated in division (B)	252
of section 1.52 of the Revised Code that amendments are to be	253
harmonized if reasonably capable of simultaneous operation,	254
finds that the composite is the resulting version of the section	255
in effect prior to the effective date of the section as	256
presented in this act.	257