

**As Reported by the Senate Addiction and Community Revitalization  
Committee**

**136th General Assembly**

**Regular Session  
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**S. B. No. 138**

**Senator Johnson**

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To amend sections 340.011, 340.03, 340.032, 1  
340.036, 340.041, 340.05, 340.08, 5119.22, 2  
5119.221, 5119.25, and 5119.99 and to enact 3  
section 340.038 of the Revised Code to modify 4  
various laws regarding boards of alcohol, drug 5  
addiction, and mental health services and to 6  
impose penalties for not registering recovery 7  
housing residences. 8

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

**Section 1.** That sections 340.011, 340.03, 340.032, 9  
340.036, 340.041, 340.05, 340.08, 5119.22, 5119.221, 5119.25, 10  
and 5119.99 be amended and section 340.038 of the Revised Code 11  
be enacted to read as follows: 12

**Sec. 340.011.** (A) This chapter shall be interpreted to 13  
accomplish all of the following: 14

(1) Establish a unified system of treatment and supports 15  
for persons with mental illnesses and persons with addictions; 16

(2) Establish a community prevention, treatment, and 17  
support system that is available for use in every alcohol, drug 18  
addiction, and mental health service district; 19

(3) Protect the personal liberty of persons with mental illnesses and persons with addictions so that they may be treated in the least restrictive environment;

(4) Encourage the development of ~~high-quality~~high-quality, ~~cost-effective~~cost-effective, and comprehensive services, including culturally sensitive services;

(5) Foster the development of comprehensive community addiction and mental health services and supports, based on recognized local needs, especially for persons with severe addictions and severe mental disabilities~~illnesses~~;

(6) Ensure that services provided meet minimum standards established by the director of mental health and addiction services;

(7) Promote the delivery of ~~high-quality~~high-quality and cost-effective addiction and mental health services;

(8) Promote the participation of persons receiving mental health services and addiction services in the planning, delivery, and evaluation of these services.

(B) Nothing in Chapter 340., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to provide resources beyond the total amount set forth in a budget and list of addiction services, mental health services, and recovery supports required by section 340.08 of the Revised Code and approved by the department of mental health and addiction services under section 5119.22 of the Revised Code.

**Sec. 340.03.** (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A) (10) of

section 5119.21 of the Revised Code, each board of alcohol, drug 49  
addiction, and mental health services shall: 50

(1) Serve as the community addiction and mental health 51  
planning agency for the county or counties under its 52  
jurisdiction, and in so doing it shall: 53

(a) Evaluate the need for facility services, addiction 54  
services, mental health services, and recovery supports; 55

(b) In cooperation with other local and regional planning 56  
and funding bodies and with relevant ethnic organizations, 57  
evaluate strengths and challenges and set priorities for 58  
addiction services, mental health services, and recovery 59  
supports. A—With respect to setting priorities, all of the 60  
following apply: 61

(i) A board shall include treatment and prevention 62  
services when setting priorities for addiction services and 63  
mental health services. ~~When—~~ 64

(ii) When a board sets priorities for addiction services, 65  
the board shall consult with the county commissioners of the 66  
counties in the board's service district regarding the services 67  
described in section 340.15 of the Revised Code and shall give 68  
priority to those services, except that those services shall not 69  
have a priority over services provided to pregnant women under 70  
programs developed in relation to the mandate established in 71  
section 5119.17 of the Revised Code. 72

(iii) As part of setting priorities through its community 73  
addiction and mental health plan, a board may consider any local 74  
mechanisms that have been established for determining 75  
eligibility for services and supports. 76

(c) In accordance with guidelines issued by the director 77

of mental health and addiction services under division ~~(F)~~(G) of 78  
section 5119.22 of the Revised Code, annually develop and submit 79  
to the department of mental health and addiction services a 80  
community addiction and mental health plan that addresses both 81  
of the following: 82

(i) The needs of all residents of the service district 83  
currently receiving inpatient services in state-operated 84  
hospitals, the needs of other populations as required by state 85  
or federal law or programs, and the needs of all children 86  
subject to a determination made pursuant to section 121.38 of 87  
the Revised Code; 88

(ii) The department's priorities for facility services, 89  
addiction services, mental health services, and recovery 90  
supports during the period for which the plan will be in effect. 91  
The department shall inform all of the boards of the 92  
department's priorities in a timely manner that enables the 93  
boards to know the department's priorities before the boards 94  
develop and submit the plans. 95

In alcohol, drug addiction, and mental health service 96  
districts that have separate alcohol and drug addiction services 97  
and community mental health boards, the alcohol and drug 98  
addiction services board shall submit a community addiction plan 99  
and the community mental health board shall submit a community 100  
mental health plan. Each board shall consult with its 101  
counterpart in developing its plan and address the interaction 102  
between the local addiction and mental health systems and 103  
populations with regard to needs and priorities in developing 104  
its plan. 105

The ~~department~~director shall approve or disapprove the 106  
plan, in whole or in part, in accordance with division ~~(G)~~(H) of 107

section 5119.22 of the Revised Code. Eligibility for state and 108  
federal funding shall be contingent upon an approved plan or 109  
relevant part of a plan. 110

If a board determines that it is necessary to amend an 111  
approved plan, the board shall submit a proposed amendment to 112  
the director. The director shall approve or disapprove all or 113  
part of the amendment in accordance with division ~~(H)~~ (I) of 114  
section 5119.22 of the Revised Code. 115

The board shall operate in accordance with the plan 116  
approved by the ~~department~~ director. 117

(d) Promote, arrange, and implement working agreements 118  
with social service agencies, both public and private, and with 119  
judicial agencies. 120

(2) Investigate, or request another agency to investigate, 121  
any complaint alleging abuse or neglect of any person receiving 122  
addiction services, mental health services, or recovery supports 123  
from a community addiction services provider or community mental 124  
health services provider or alleging abuse or neglect of a 125  
resident receiving addiction services or with mental illness or 126  
severe mental disability residing in a residential facility 127  
licensed under section 5119.34 of the Revised Code. If the 128  
person is a resident of a service district other than the 129  
district represented by the board that received the complaint, 130  
the board that received the complaint shall refer the complaint 131  
to the board of the district where the residential facility is 132  
located for that board to investigate the complaint. 133

If a board's investigation substantiates the charge of 134  
abuse or neglect, the board shall take whatever action it 135  
determines is necessary to correct the situation, including 136

notification of the appropriate authorities. Upon request, the 137  
board shall provide information about such investigations to the 138  
department. 139

(3) For the purpose of section 5119.36 of the Revised 140  
Code, cooperate with the director of mental health and addiction 141  
services in visiting and evaluating whether the certifiable 142  
services and supports of a community addiction services provider 143  
or community mental health services provider satisfy the 144  
certification standards established by rules adopted under that 145  
section. In addition, a board may provide input and 146  
recommendations to the department when an application for 147  
certification or the renewal of a certification has been 148  
submitted by a provider or when a provider is being investigated 149  
by the department, if the board, in either of those 150  
circumstances, is aware of information that would be beneficial 151  
to the department's consideration of the matter. 152

(4) In accordance with criteria established under division 153  
~~(D)~~ (D) (1) of section 5119.22 of the Revised Code, conduct 154  
program audits that review and evaluate the quality, 155  
effectiveness, and efficiency of addiction services, mental 156  
health services, and recovery supports provided by community 157  
addiction services providers and community mental health 158  
services providers under contract with the board and submit the 159  
board's findings and recommendations to the department of mental 160  
health and addiction services; 161

(5) In accordance with section 5119.34 of the Revised 162  
Code, review an application for a residential facility license 163  
and provide to the department of mental health and addiction 164  
services any information about the applicant or facility that 165  
the board would like the department to consider in reviewing the 166

application; 167

(6) ~~Audit, in~~ In accordance with guidelines issued under 168  
division (E) of section 5119.22 of the Revised Code and any 169  
related rules adopted by the auditor of state pursuant to 170  
section 117.20 of the Revised Code, at least annually all 171  
programs, addiction services, mental health services, and 172  
recovery supports provided under contract with the board. In so 173  
doing, the board may contract for or employ the services of 174  
private auditors. A copy of the fiscal audit report shall be 175  
provided to the director of mental health and addiction 176  
services, the auditor of state, and the county auditor of each 177  
county in the board's district. under that section, review any 178  
annual financial audit reports that have been submitted to the 179  
board regarding each community addiction services provider and 180  
community mental health services provider with which the board 181  
has contracted under section 340.036 of the Revised Code to 182  
provide services and supports certified under section 5119.36 of 183  
the Revised Code; 184

(7) Recruit and promote local financial support for 185  
addiction services, mental health services, and recovery 186  
supports from private and public sources; 187

(8) In accordance with guidelines issued by the department 188  
as necessary to comply with state and federal laws pertaining to 189  
financial assistance, approve fee schedules and related charges 190  
or adopt a unit cost schedule or other methods of payment for 191  
addiction services, mental health services, and recovery 192  
supports provided by community addiction services providers and 193  
community mental health services providers that have contracted 194  
with the board under section 340.036 of the Revised Code; 195

(9) Submit to the director and the county commissioners of 196

the county or counties served by the board, and make available 197  
to the public, an annual report of the addiction services, 198  
mental health services, and recovery supports under the 199  
jurisdiction of the board, including a fiscal accounting; 200

(10) Establish a method for evaluating referrals for 201  
court-ordered treatment and affidavits filed pursuant to section 202  
5122.11 of the Revised Code in order to assist the probate 203  
division of the court of common pleas in determining whether 204  
there is probable cause that a respondent is subject to court- 205  
ordered treatment and whether alternatives to hospitalization 206  
are available and appropriate; 207

(11) Designate the treatment services, provider, facility, 208  
or other placement for each person involuntarily committed to 209  
the board pursuant to Chapter 5122. of the Revised Code. The 210  
board shall provide the least restrictive and most appropriate 211  
alternative that is available for any person involuntarily 212  
committed to it and shall assure that the list of addiction 213  
services, mental health services, and recovery supports 214  
submitted and approved in accordance with division (B) of 215  
section 340.08 of the Revised Code are available to persons with 216  
severe mental disabilities residing within its service district. 217  
The board shall establish the procedure for authorizing payment 218  
for the services and supports, which may include prior 219  
authorization in appropriate circumstances. In accordance with 220  
section 340.037 of the Revised Code, the board may provide 221  
addiction services and mental health services directly to a 222  
person with a severe mental disability when life or safety is 223  
endangered and when no community addiction services provider or 224  
community mental health services provider is available to 225  
provide the service. 226



(12) Ensure that housing built, subsidized, renovated, 227  
rented, owned, or leased by the board or a community addiction 228  
services provider or community mental health services provider 229  
has been approved as meeting minimum fire safety standards and 230  
that persons residing in the housing have access to appropriate 231  
and necessary services, including culturally relevant services, 232  
from a community addiction services provider or community mental 233  
health services provider. This division does not apply to 234  
residential facilities licensed pursuant to section 5119.34 of 235  
the Revised Code. 236

(13) Establish a mechanism for obtaining advice and 237  
involvement of persons receiving addiction services, mental 238  
health services, or recovery supports on matters pertaining to 239  
services and supports in the alcohol, drug addiction, and mental 240  
health service district; 241

(14) Perform the duties required by rules adopted under 242  
section 5119.22 of the Revised Code regarding referrals by the 243  
board or community mental health services providers under 244  
contract with the board of individuals with mental illness or 245  
severe mental disability to class two residential facilities 246  
licensed under section 5119.34 of the Revised Code and effective 247  
arrangements for ongoing mental health services for the 248  
individuals. The board is accountable in the manner specified in 249  
the rules for ensuring that the ongoing mental health services 250  
are effectively arranged for the individuals. 251

(15) Perform the duties required by section 9.21 of the 252  
Revised Code regarding credit card accounts, including the 253  
requirement to adopt a written policy before first holding a 254  
credit card account. 255

(B) Each board of alcohol, drug addiction, and mental 256

health services shall establish such rules, operating 257  
procedures, standards, and bylaws, and shall perform such other 258  
duties, as may be necessary or proper to carry out the purposes 259  
of this chapter. 260

(C) A board of alcohol, drug addiction, and mental health 261  
services may receive by gift, grant, devise, or bequest any 262  
moneys, lands, or property for the benefit of the purposes for 263  
which the board is established, and may hold and apply it 264  
according to the terms of the gift, grant, or bequest. All money 265  
received, including accrued interest, by gift, grant, or bequest 266  
shall be deposited in the treasury of the county, the treasurer 267  
of which is custodian of the alcohol, drug addiction, and mental 268  
health services funds, to the credit of the board ~~and~~. The money 269  
shall be made available for use by the board for purposes stated 270  
by the donor or grantor. 271

(D) No member or employee of a board of alcohol, drug 272  
addiction, and mental health services shall be liable for injury 273  
or damages caused by any action or inaction taken within the 274  
scope of the member's official duties or the employee's 275  
employment, whether or not such action or inaction is expressly 276  
authorized by this section or any other section of the Revised 277  
Code, unless such action or inaction constitutes willful or 278  
wanton misconduct. Chapter 2744. of the Revised Code applies to 279  
any action or inaction by a member or employee of a board taken 280  
within the scope of the member's official duties or employee's 281  
employment. For the purposes of this division, the conduct of a 282  
member or employee shall not be considered willful or wanton 283  
misconduct if the member or employee acted in good faith and in 284  
a manner that the member or employee reasonably believed was in 285  
or was not opposed to the best interests of the board and, with 286  
respect to any criminal action or proceeding, had no reasonable 287

cause to believe the conduct was unlawful. 288

(E) The meetings held by any committee established by a 289  
board of alcohol, drug addiction, and mental health services 290  
shall be considered to be meetings of a public body subject to 291  
section 121.22 of the Revised Code. 292

(F) (1) A board of alcohol, drug addiction, and mental 293  
health services may establish a rule, operating procedure, 294  
standard, or bylaw to allow the executive director of the board 295  
to execute both of the following types of contracts valued at 296  
twenty-five thousand dollars or less, as determined by the 297  
board, on behalf of the board without the board's prior 298  
approval: 299

(a) Emergency contracts for clinical services or recovery 300  
support services; 301

(b) Standard service contracts pertaining to the board's 302  
operations. 303

(2) If a board establishes a rule, operating procedure, 304  
standard, or bylaw under division (F) (1) of this section, both 305  
of the following shall be the case: 306

(a) The board shall define the scope of contracts 307  
described in divisions (F) (1) (a) and (b) of this section in that 308  
rule, operating procedure, standard, or bylaw. 309

(b) The board shall disclose the existence of a contract 310  
executed pursuant to the rule, operating procedure, standard, or 311  
bylaw at the first board meeting that occurs after the contract 312  
was executed and ensure that a record of that disclosure is 313  
included in the written minutes of that meeting. 314

**Sec. 340.032.** Subject to rules adopted by the director of 315

mental health and addiction services after consultation with 316  
relevant constituencies as required by division (A) (10) of 317  
section 5119.21 of the Revised Code, each board of alcohol, drug 318  
addiction, and mental health services shall do all of the 319  
following: 320

(A) Establish, to the extent resources are available, a 321  
community-based continuum of care that includes all of the 322  
following as essential elements: 323

(1) Prevention and wellness management services; 324

(2) At least both of the following outreach and engagement 325  
activities: 326

(a) Locating persons in need of addiction services and 327  
persons in need of mental health services to inform them of 328  
available addiction services, mental health services, and 329  
recovery supports; 330

(b) Helping persons who receive addiction services and 331  
persons who receive mental health services obtain services 332  
necessary to meet basic human needs for food, clothing, shelter, 333  
medical care, personal safety, and income. 334

(3) Assessment services; 335

(4) Care coordination; 336

(5) Residential services; 337

(6) At least the following outpatient services: 338

(a) Nonintensive; 339

(b) Intensive, such as partial hospitalization and 340  
assertive community treatment; 341

(c) Withdrawal management; 342

(d) Emergency and crisis.	343
(7) Where appropriate, at least the following inpatient services:	344 345
(a) Psychiatric care;	346
(b) Medically managed alcohol or drug treatment.	347
(8) At least all of the following recovery supports:	348
(a) Peer support;	349
(b) A wide range of housing and support services, including recovery housing residences;	350 351
(c) Employment, vocational, and educational opportunities;	352
(d) Assistance with social, personal, and living skills;	353
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	354 355
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	356 357 358
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	359 360 361
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	362 363 364 365
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	366 367
(C) Ensure that persons receiving any elements of the	368

community-based continuum of care are able to utilize grievance 369  
procedures applicable to the elements; 370

(D) Inform persons seeking or receiving addiction 371  
services, mental health services, or recovery supports and 372  
family members and caregivers of such persons, as well as the 373  
community in general, about available elements of the community- 374  
based continuum of care and facilitate the referral of persons 375  
to appropriate services and supports. 376

**Sec. 340.036.** (A) Subject to division (B) of this section 377  
and rules adopted by the director of mental health and addiction 378  
services after consultation with relevant constituencies as 379  
required by division (A) (10) of section 5119.21 of the Revised 380  
Code, each board of alcohol, drug addiction, and mental health 381  
services shall ~~enter~~ provide for the continuum of care pursuant 382  
to section 340.032 of the Revised Code by entering into 383  
contracts with all of the following: 384

(1) Public and private facilities for the operation of 385  
facility services; 386

(2) Community addiction services providers for addiction 387  
services and recovery supports; 388

(3) Community mental health services providers for mental 389  
health services and recovery supports. 390

(B) No board shall do any of the following: 391

(1) Contract with a residential facility required to be 392  
licensed under section 5119.34 of the Revised Code unless the 393  
facility is so licensed; 394

(2) Contract with a community addiction services provider 395  
or community mental health services provider for certifiable 396

services and supports unless the certifiable services and 397  
supports are certified under section 5119.36 of the Revised 398  
Code; 399

(3) Contract with a community addiction services provider 400  
or community mental health services provider for recovery 401  
supports that are required by the director to meet quality 402  
criteria or core competencies unless the recovery supports meet 403  
the criteria or competencies. 404

(C) When a board contracts with a community addiction 405  
services provider or community mental health services provider 406  
for addiction services, mental health services, or recovery 407  
supports, all of the following apply: 408

(1) The board shall consider both of the following: 409

(a) The cost effectiveness and quality of the provider's 410  
services and supports; 411

(b) Continuity of care. 412

(2) The board may review cost elements, ~~including salary~~ 413  
~~costs, of the~~ specific to the provider's services and supports 414  
under contract with the board. 415

(3) The board may establish, in a way that is most 416  
effective and efficient in meeting local needs, a utilization 417  
review process as part of the contract. 418

(4) The board may contract with a government entity, for- 419  
profit entity, or nonprofit entity. Any such entity may be 420  
faith-based. 421

(5) The contract shall include terms that specify a 422  
process by which either contracting party may terminate the 423  
contract before it is scheduled to expire, with at least thirty 424

days' notice, for any cause the party considers necessary for 425  
the early termination of the contract. The process shall include 426  
procedures under which the party subject to the early 427  
termination decision may appeal that decision to the terminating 428  
party's governing board. 429

(6) The contract shall provide for the transition of care, 430  
when applicable to client services, for an additional sixty days 431  
under the terms of the current contract, in both of the 432  
following circumstances: 433

(a) If notice is provided that the contract will be 434  
terminated early as permitted under the terms of the contract 435  
pursuant to division (C) (5) of this section; 436

(b) If the contract is not entered into for a subsequent 437  
term pursuant to division (D) of this section. 438

(D) If a party to a contract entered into under this 439  
section ~~proposes not to renew the contract or proposes~~ 440  
~~substantial changes in contract terms~~ intends not to enter into a 441  
contract for a subsequent term, the other party shall be given 442  
written notice at least ~~one hundred twenty sixty~~ days before the 443  
expiration date of the current contract. ~~During the first sixty~~ 444  
~~days of this one hundred twenty-day period, both parties shall~~ 445  
~~attempt to resolve any dispute through good faith collaboration~~ 446  
~~and negotiation in order to continue to provide services and~~ 447  
~~supports to persons in need. If the dispute has not been~~ 448  
~~resolved sixty days before the expiration date of the contract,~~ 449  
~~either party may notify the director of the unresolved dispute.~~ 450  
~~The director may require both parties to submit the dispute to~~ 451  
~~another entity with the cost to be shared by the parties. Not~~ 452  
~~later than twenty days before the expiration date of the~~ 453  
~~contract or a later date to which both parties agree, the other~~ 454



~~entity shall issue to the parties and director recommendations~~ 455  
~~on how the dispute may be resolved. The director shall adopt~~ 456  
~~rules establishing the procedures of this dispute resolution~~ 457  
~~process.~~ 458  
If neither party provides such notice, a subsequent 458  
contract shall be entered into upon successful negotiation of 459  
contract terms. 460

(E) Section 307.86 of the Revised Code does not apply to 461  
contracts entered into under this section-, but a board of 462  
alcohol, drug addiction, and mental health services may choose 463  
to use a competitive selection process to enter into contracts 464  
for services and supports. The board's selection determinations 465  
shall allow for compliance with the notice requirements of 466  
divisions (C) (5) and (D) of this section. Any competitive 467  
selection process used under this section shall prohibit 468  
conflicts of interest and shall include the following elements: 469

(1) Notice of opportunity for submission of applications 470  
for contracts; 471

(2) Eligibility criteria for applicants; 472

(3) Consideration of the scope of services and supports 473  
proposed by applicants; 474

(4) Selection criteria; 475

(5) Timelines for application submission and the award of 476  
contracts. 477

**Sec. 340.038.** The department of mental health and 478  
addiction services, in collaboration with boards of alcohol, 479  
drug addiction, and mental health services and other 480  
stakeholders, shall develop a data sharing and integration plan. 481  
The plan shall specify data sharing and integration procedures 482  
that the department and the boards shall use to improve the 483

management and administration of programs offering addiction or 484  
mental health services and to ensure that the essential elements 485  
of a board's continuum of care are available, as appropriate, to 486  
persons seeking or receiving addiction or mental health 487  
services. 488

**Sec. 340.041.** In addition to such other duties as may be 489  
lawfully imposed, the executive director of a board of alcohol, 490  
drug addiction, and mental health services shall: 491

(A) Serve as executive officer of the board and, subject 492  
to the prior approval of the board for each contract, except 493  
contracts, if any, to which division (F) of section 340.03 of 494  
the Revised Code applies, execute contracts on its behalf; 495

(B) Supervise addiction services, mental health services, 496  
recovery supports, and facilities provided, operated, 497  
contracted, or supported by the board to the extent of 498  
determining that services, supports, and facilities are being 499  
administered in conformity with this chapter and rules of the 500  
director of mental health and addiction services; 501

(C) Provide consultation to community addiction services 502  
providers and community mental health services providers; 503

(D) Recommend to the board the changes necessary to 504  
increase the effectiveness of addiction services, mental health 505  
services, and recovery supports and other matters necessary or 506  
desirable to carry out this chapter; 507

(E) Employ and remove from office such employees and 508  
consultants in the classified civil service and, subject to the 509  
approval of the board, employ and remove from office such other 510  
employees and consultants as may be necessary for the work of 511  
the board, and fix their compensation and reimbursement within 512

the limits set by the salary schedule and the budget approved by 513  
the board; 514

(F) Encourage the development and expansion of preventive, 515  
treatment, and consultative services, as well as recovery 516  
supports, in the fields of addiction services and mental health 517  
services with emphasis on continuity of care; 518

(G) Prepare for board approval an annual report of the 519  
addiction services, mental health services, recovery supports, 520  
and facilities under the jurisdiction of the board, including a 521  
fiscal accounting of all services and supports; 522

(H) Conduct such studies and activities as may be 523  
necessary and practicable for the promotion of mental health, 524  
the promotion of addiction services, and the prevention of 525  
mental illness, emotional disorders, and addiction, including 526  
developing and disseminating informational materials to educate 527  
the public about mental illness and addiction treatment and 528  
prevention and the availability of services and supports; 529

(I) Authorize the county auditor, or in a joint-county 530  
district the county auditor designated as the auditor for the 531  
district, to issue warrants for the payment of board obligations 532  
approved by the board, provided that all payments from funds 533  
distributed to the board by the department of mental health and 534  
addiction services are in accordance with the budget submitted 535  
pursuant to section 340.08 of the Revised Code, as approved by 536  
the department of mental health and addiction services. 537

**Sec. 340.05.** If a community addiction services provider or 538  
community mental health services provider receives a complaint 539  
alleging abuse or neglect of an individual with mental illness 540  
or severe mental disability, or an individual receiving 541

addiction services, who resides in a residential facility 542  
licensed under section 5119.34 of the Revised Code, the provider 543  
shall report the complaint to the board of alcohol, drug 544  
addiction, and mental health services serving the alcohol, drug 545  
addiction, and mental health service district in which the 546  
residential facility is located. A board of alcohol, drug 547  
addiction, and mental health services that receives ~~such a~~ 548  
~~report from a community addiction services provider or community~~ 549  
~~mental health services provider of such a~~ complaint alleging 550  
abuse or neglect of an individual with mental illness or severe 551  
mental disability or an individual receiving addiction services 552  
shall report the complaint to the director of mental health and 553  
addiction services for the purpose of the director conducting an 554  
investigation under section 5119.34 of the Revised Code. The 555  
board may enter the facility with or without the director and, 556  
if the health and safety of a resident is in ~~immediate~~ danger, 557  
take any necessary action to protect the resident. The board's 558  
action shall not violate any resident's rights specified in 559  
rules adopted by the department of mental health and addiction 560  
services under section 5119.34 of the Revised Code. The board 561  
shall ~~immediately~~ promptly report to the director regarding the 562  
board's actions under this section. 563

**Sec. 340.08.** In accordance with rules or guidelines issued 564  
by the director of mental health and addiction services, each 565  
board of alcohol, drug addiction, and mental health services 566  
shall do all of the following: 567

(A) Submit to the department of mental health and 568  
addiction services a proposed budget of receipts and 569  
expenditures for all federal, state, and local moneys the board 570  
expects to receive. 571

(1) The proposed budget shall identify funds the board has 572  
available for included opioid and co-occurring drug addiction 573  
services and recovery supports. 574

(2) The proposed budget shall identify funds the board and 575  
public children services agencies in the board's service 576  
district have available to fund jointly the services described 577  
in section 340.15 of the Revised Code. 578

(3) The board's proposed budget for expenditures of state 579  
and federal funds distributed to the board by the department 580  
shall be deemed an application for funds, and the ~~department~~ 581  
director shall approve or disapprove the budget for these 582  
expenditures in whole or in part in accordance with division ~~(G)~~ 583  
(H) of section 5119.22 of the Revised Code. 584

If a board determines that it is necessary to amend an 585  
approved budget, the board shall submit a proposed amendment to 586  
the director. The director shall approve or disapprove all or 587  
part of the amendment in accordance with division ~~(H)~~ (I) of 588  
section 5119.22 of the Revised Code. 589

(B) Submit to the department a proposed list of addiction 590  
services, mental health services, and recovery supports the 591  
board intends to make available. The board shall include the 592  
services and supports required by section 340.032 of the Revised 593  
Code to be included in the community-based continuum of care and 594  
the services required by section 340.15 of the Revised Code. The 595  
board shall explain the manner in which the board intends to 596  
make such services and supports available. The list shall be 597  
compatible with the budget submitted pursuant to division (A) of 598  
this section. The ~~department~~ director shall approve or 599  
disapprove the list in whole or in part in accordance with 600  
division ~~(G)~~ (H) of section 5119.22 of the Revised Code. 601

If a board determines that it is necessary to amend an 602  
approved list, the board shall submit a proposed amendment to 603  
the director. The director shall approve or disapprove all or 604  
part of the amendment in accordance with division ~~(H)~~ (I) of 605  
section 5119.22 of the Revised Code. 606

(C) Enter into a continuity of care agreement with the 607  
state institution operated by the department of mental health 608  
and addiction services and designated as the institution serving 609  
the district encompassing the board's service district. The 610  
continuity of care agreement shall outline the department's and 611  
the board's responsibilities to plan for and coordinate with 612  
each other to address the needs of board residents who are 613  
patients in the institution, with an emphasis on managing 614  
appropriate hospital bed day use and discharge planning. The 615  
continuity of care agreement shall not require the board to 616  
provide addiction services, mental health services, or recovery 617  
supports other than those on the list of services and supports 618  
submitted by the board pursuant to division (B) of this section 619  
and approved by the ~~department~~ director in accordance with 620  
division ~~(G)~~ (H) of section 5119.22 of the Revised Code. 621

(D) In conjunction with the department, operate a 622  
coordinated system for tracking and monitoring persons found not 623  
guilty by reason of insanity and committed pursuant to section 624  
2945.40 of the Revised Code who have been granted a conditional 625  
release and persons found incompetent to stand trial and 626  
committed pursuant to section 2945.39 of the Revised Code who 627  
have been granted a conditional release. The system shall do all 628  
of the following: 629

(1) Centralize responsibility for the tracking of those 630  
persons; 631

- (2) Provide for uniformity in monitoring those persons; 632
- (3) Provide a mechanism to allow prompt rehospitization, 633  
reinstitutionalization, or detention when a violation of the 634  
conditional release or decompensation occurs. 635
- (E) ~~Submit~~ To ensure the safety of persons seeking or 636  
receiving addiction services, mental health services, or 637  
recovery supports, submit to the department a report summarizing 638  
all of the following: 639
- (1) Complaints and grievances received by the board 640  
concerning the rights of persons seeking or receiving addiction 641  
services, mental health services, or recovery supports; 642
- (2) Investigations of the complaints and grievances; 643
- (3) Outcomes of the investigations. 644
- (F) Provide to the department information to be submitted 645  
to the community behavioral health information system or systems 646  
established by the department under Chapter 5119. of the Revised 647  
Code. 648
- (G) Annually, and upon any change in membership, submit to 649  
the department a list of all current members of the board of 650  
alcohol, drug addiction, and mental health services, including 651  
the appointing authority for each member, and the member's 652  
specific qualification for appointment pursuant to section 653  
340.02 or 340.021 of the Revised Code, if applicable. 654
- (H) Submit to the department other information as is 655  
reasonably required for purposes of the department's operations, 656  
service evaluation, reporting activities, research, system 657  
administration, and oversight. 658
- (I) Annually update and publish on the board's web site a 659

list of all opioid treatment programs licensed under section 660  
5119.37 of the Revised Code that are operating within the 661  
board's district, based on information obtained from any of the 662  
following: 663

(1) The federal substance abuse and mental health services 664  
administration's opioid treatment program directory; 665

(2) A resource directory created by the department of 666  
mental health and addiction services; 667

(3) The list maintained by the department of mental health 668  
and addiction services pursuant to division (P) of section 669  
5119.37 of the Revised Code. 670

**Sec. 5119.22.** The director of mental health and addiction 671  
services, with respect to all mental health and addiction 672  
facilities, addiction services, mental health services, and 673  
recovery supports established and operated or provided under 674  
Chapter 340. of the Revised Code, shall do all of the following: 675

(A) Adopt rules pursuant to Chapter 119. of the Revised 676  
Code that may be necessary to carry out the purposes of this 677  
chapter and Chapters 340. and 5122. of the Revised Code~~;~~; 678

(B) Review and evaluate the community-based continuum of 679  
care required by section 340.032 of the Revised Code to be 680  
established in each service district, taking into account the 681  
findings and recommendations of the board of alcohol, drug 682  
addiction, and mental health services of the district submitted 683  
under division (A) (4) of section 340.03 of the Revised Code and 684  
the priorities and plans of the department of mental health and 685  
addiction services, including the needs of residents of the 686  
district currently receiving services in state-operated 687  
hospitals, and make recommendations for needed improvements to 688



boards of alcohol, drug addiction, and mental health services; 689

(C) At the director's discretion, provide to boards of 690  
alcohol, drug addiction, and mental health services state or 691  
federal funds, in addition to those allocated under section 692  
5119.23 of the Revised Code, for special programs or projects 693  
the director considers necessary but for which local funds are 694  
not available; 695

~~(D)~~ (D) (1) Establish criteria to be taken into account by 696  
~~which~~ each board of alcohol, drug addiction, and mental health 697  
services ~~reviews and evaluates when it conducts program audits~~ 698  
under section 340.03 of the Revised Code to review and evaluate 699  
the quality, effectiveness, and efficiency of the facility 700  
services, addiction services, mental health services, and 701  
recovery supports for which it contracts under section 340.036 702  
of the Revised Code. The criteria shall include requirements 703  
ensuring appropriate utilization of the services and supports. 704  
The department shall assess each board's evaluation of the 705  
services and supports and the compliance of each board with this 706  
section, Chapter 340. of the Revised Code, and other state or 707  
federal law and regulations. ~~The~~ 708

(2) The department, in cooperation with the board, 709  
periodically shall review and evaluate the quality, 710  
effectiveness, and efficiency of both of the following: 711

(a) The facility services, addiction services, mental 712  
health services, and recovery supports for which each board 713  
contracts under section 340.036 of the Revised Code ~~and the~~; 714

(b) The facilities, addiction services, and mental health 715  
services that each board operates or provides under section 716  
340.037 of the Revised Code. ~~The~~ 717

The department shall collect information that is necessary 718  
to perform ~~these functions~~ its review and evaluation. 719

(E) Issue guidelines to be followed by each board of 720  
alcohol, drug addiction, and mental health services when it 721  
reviews under division (A) (6) of section 340.03 of the Revised 722  
Code any annual financial audit reports submitted to the board 723  
by community addiction services providers and community mental 724  
health services providers; 725

(F) To the extent the director determines necessary and 726  
after consulting with boards of alcohol, drug addiction, and 727  
mental health services, community addiction services providers, 728  
and community mental health services providers, develop and 729  
operate, or contract for the operation of, a community 730  
behavioral health information system or systems. The department 731  
shall specify the information that must be provided by the 732  
boards and providers for inclusion in the system or systems. 733

Boards of alcohol, drug addiction, and mental health 734  
services, community addiction services providers, and community 735  
mental health services providers shall submit information 736  
requested by the department in the form and manner and in 737  
accordance with time frames prescribed by the department. 738  
Information collected by the department may include all of the 739  
following: 740

(1) Information on addiction services, mental health 741  
services, and recovery supports provided; 742

(2) Financial information regarding expenditures of 743  
federal, state, or local funds; 744

(3) Information about persons served. 745

The department shall not collect any personal information 746

from the boards or providers except as required or permitted by 747  
state or federal law for purposes related to payment, health 748  
care operations, program and service evaluation, reporting 749  
activities, research, system administration, and oversight. 750

~~(F)~~ (G) In consultation with representatives of boards of 751  
alcohol, drug addiction, and mental health services and after 752  
consideration of recommendations made by the medical director 753  
appointed under section 5119.11 of the Revised Code, establish 754  
all of the following: 755

(1) Guidelines, including a timetable, for the boards' 756  
development and submission of proposed community addiction and 757  
mental health plans, budgets, and lists of addiction services, 758  
mental health services, and recovery supports under sections 759  
340.03 and 340.08 of the Revised Code; 760

(2) Procedures, including a timetable, for the director's 761  
review and approval or disapproval of the plans, budgets, and 762  
lists; 763

(3) Procedures for corrective action regarding the plans, 764  
budgets, and lists, including submission of revised or new 765  
plans, budgets, and lists; 766

(4) Procedures for the director to follow in offering 767  
technical assistance to boards to assist them in making the 768  
plans, budgets, and lists acceptable or in making proposed 769  
amendments to approved plans, budgets, and lists meet criteria 770  
for approval; 771

(5) Procedures for issuing time-limited waivers under 772  
section 5119.221 of the Revised Code. 773

~~(G)~~ (H) Review each board's proposed community addiction 774  
and mental health plan, budget, and list of addiction services, 775

mental health services, and recovery supports submitted pursuant 776  
to sections 340.03 and 340.08 of the Revised Code and approve or 777  
disapprove the plan, the budget, and the list in whole or in 778  
part. The director shall disapprove a board's proposed budget in 779  
whole or in part if the proposed budget would not make available 780  
in the board's service district the essential elements of the 781  
community-based continuum of care required by section 340.032 of 782  
the Revised Code, including, except as otherwise authorized by a 783  
time-limited waiver issued under section 5119.221 of the Revised 784  
Code, an array of addiction services and recovery supports for 785  
all levels of opioid and co-occurring drug addiction. 786

Prior to a final decision to disapprove a plan, budget, or 787  
list in whole or in part, a representative of the director shall 788  
meet with the board and discuss the reason for the action the 789  
director proposes to take and any corrective action that should 790  
be taken to make the plan, budget, or list acceptable to the 791  
director. In addition, the director shall offer technical 792  
assistance to the board to assist it to make the plan, budget, 793  
or list acceptable. The director shall give the board a 794  
reasonable time in which to revise the plan, budget, or list. 795  
The board thereafter shall submit a revised plan, budget, or 796  
list or a new plan, budget, or list. 797

~~(H)~~ (I) Approve or disapprove all or part of proposed 798  
amendments that a board of alcohol, drug addiction, or mental 799  
health services submits under section 340.03 or 340.08 of the 800  
Revised Code to an approved community addiction and mental 801  
health plan, budget, or list of addiction services, mental 802  
health services, and recovery supports. 803

If the director disapproves of all or part of any proposed 804  
amendment, the director shall provide the board an opportunity 805

to present its position. The director shall inform the board of 806  
the reasons for the disapproval and of the criteria that must be 807  
met before the proposed amendment may be approved. The director 808  
shall give the board a reasonable time within which to meet the 809  
criteria and shall offer technical assistance to the board to 810  
help it meet the criteria. 811

**Sec. 5119.221.** (A) The director of mental health and 812  
addiction services, in accordance with procedures established 813  
under division ~~(F) (5)~~ (G) (5) of section 5119.22 of the Revised 814  
Code, may issue to a board of alcohol, drug addiction, and 815  
mental health services a time-limited waiver of the requirement 816  
of section 340.033 of the Revised Code that ambulatory 817  
detoxification and medication-assisted treatment be made 818  
available within the borders of the board's service district if 819  
the director determines that both of the following apply: 820

(1) The board seeking the waiver has made reasonable 821  
efforts to make ambulatory detoxification and medication- 822  
assisted treatment available within the borders of the board's 823  
service district; 824

(2) Ambulatory detoxification and medication-assisted 825  
treatment can be made available through one or more contracts 826  
between the board seeking the waiver and community addiction 827  
services providers that are located not more than thirty miles 828  
beyond the borders of the board's service district. 829

(B) Each waiver issued under this section shall specify 830  
the amount of time for which it is in effect and whether it 831  
applies to ambulatory detoxification, medication-assisted 832  
treatment, or both. 833

**Sec. 5119.25.** (A) The director of mental health and 834

addiction services may withhold funds, in whole or in part, that 835  
otherwise are to be allocated to a board of alcohol, drug 836  
addiction, and mental health services under section 5119.23 of 837  
the Revised Code if either of the following circumstances apply: 838

(1) The board fails to comply with Chapter 340. or 5119. 839  
of the Revised Code or rules of the department of mental health 840  
and addiction services; 841

(2) The board denies available service on the basis of 842  
race, color, religion, ancestry, military status, sex, age, 843  
national origin, disability as defined in section 4112.01 of the 844  
Revised Code, or developmental disability. 845

(B) The director shall withhold funds, in whole or in 846  
part, that otherwise are to be allocated to a board under 847  
section 5119.23 of the Revised Code if either of the following 848  
circumstances apply: 849

(1) The director, under division ~~(G)~~ (H) of section 5119.22 850  
of the Revised Code, disapproves all or part of the board's 851  
proposed community addiction and mental health plan, budget, or 852  
list of addiction services, mental health services, and recovery 853  
supports; 854

(2) The board's use of state and federal funds fails to 855  
comply with the board's approved budget, including approved 856  
amendments to the budget. 857

(C) The director shall issue a notice identifying the 858  
areas of noncompliance and the action necessary to achieve 859  
compliance. The director may offer technical assistance to the 860  
board to achieve compliance. The board shall have thirty days 861  
from receipt of the notice of noncompliance to present its 862  
position that it is in compliance or to submit to the director 863

evidence of corrective action the board took to achieve 864  
compliance. Before withholding funds, the director or the 865  
director's designee shall hold a hearing within thirty days of 866  
receipt of the board's position or evidence to determine if 867  
there are continuing violations and that either assistance is 868  
rejected or the board is unable, or has failed, to achieve 869  
compliance. The director may appoint a representative from 870  
another board of alcohol, drug addiction, and mental health 871  
services to serve as a mentor for the board in developing and 872  
executing a plan of corrective action to achieve compliance. Any 873  
such representative shall be from a board that is in compliance 874  
with Chapter 340. of the Revised Code, this chapter, and the 875  
department's rules. Subsequent to the hearing process, if it is 876  
determined that compliance has not been achieved, the director 877  
may allocate all or part of the withheld funds to one or more 878  
community mental health services providers or community 879  
addiction services providers to provide the mental health 880  
service, addiction service, or recovery support for which the 881  
board is not in compliance until the time that there is 882  
compliance. 883

(D) The director shall adopt rules in accordance with 884  
Chapter 119. of the Revised Code to implement this section. 885

**Sec. 5119.99.** (A) Whoever violates section 5119.333, 886  
division (A) of section 5119.392, or division (A) of section 887  
5119.395 of the Revised Code is guilty of a misdemeanor of the 888  
first degree. 889

(B) Whoever violates section 5119.27 or 5119.28, division 890  
(P) of section 5119.36, or division (A)(1) or (2) of section 891  
5119.37 of the Revised Code is guilty of a felony of the fifth 892  
degree. 893

**Section 2.** That existing sections 340.011, 340.03, 894  
340.032, 340.036, 340.041, 340.05, 340.08, 5119.22, 5119.221, 895  
5119.25, and 5119.99 of the Revised Code are hereby repealed. 896

**Section 3.** The amendment by this act of section 340.036 of 897  
the Revised Code takes effect six months after the effective 898  
date of this section and applies to contracts entered into or 899  
modified on or after the date the amendment takes effect. 900

**Section 4.** If a board of alcohol, drug addiction, and 901  
mental health services holds a credit card account on the 902  
effective date of this section, but has not adopted a written 903  
policy that complies with the requirements of section 9.21 of 904  
the Revised Code regarding the use of credit card accounts, the 905  
board shall adopt such a written policy not later than three 906  
months after the effective date of this section. 907