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S. B. No. 138

Senator Johnson

**Cosponsors: Senators Antonio, Blackshear, Blessing, Chavez, Cirino, Craig,
DeMora, Gavarone, Ingram, Landis, Liston, O'Brien, Patton, Reineke, Reynolds,
Roegner, Schaffer, Weinstein, Wilson**

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 <u>and supports</u>	15
for persons with mental illnesses and persons with addictions;	16

(2) Establish a community <u>prevention, treatment, and</u>	17
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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 20
illnesses and persons with addictions so that they may be 21
treated in the least restrictive environment; 22

(4) Encourage the development of ~~high-quality~~high-quality, 23
~~cost-effective~~cost-effective, and comprehensive services, 24
including culturally sensitive services; 25

(5) Foster the development of comprehensive community 26
addiction and mental health services and supports, based on 27
recognized local needs, especially for persons with severe 28
addictions and severe mental ~~disabilities~~illnesses; 29

(6) Ensure that services provided meet minimum standards 30
established by the director of mental health and addiction 31
services; 32

(7) Promote the delivery of ~~high-quality~~high-quality and 33
cost-effective addiction and mental health services; 34

(8) Promote the participation of persons receiving mental 35
health services and addiction services in the planning, 36
delivery, and evaluation of these services. 37

(B) Nothing in Chapter 340., 5119., or 5122. of the 38
Revised Code shall be construed as requiring a board of county 39
commissioners to provide resources beyond the total amount set 40
forth in a budget and list of addiction services, mental health 41
services, and recovery supports required by section 340.08 of 42
the Revised Code and approved by the department of mental health 43
and addiction services under section 5119.22 of the Revised 44
Code. 45

Sec. 340.03. (A) Subject to rules issued by the director 46
of mental health and addiction services after consultation with 47
relevant constituencies as required by division (A) (10) of 48
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)~~ (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	344
services:	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,	350
including recovery housing residences;	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	354
approaches and parent advocacy connection;	355
(f) Support, assistance, consultation, and education for	356
families, friends, and persons receiving addiction services,	357
mental health services, and recovery supports.	358
(9) In accordance with section 340.033 of the Revised	359
Code, an array of addiction services and recovery supports for	360
all levels of opioid and co-occurring drug addiction;	361
(10) Any additional elements the department of mental	362
health and addiction services, pursuant to section 5119.21 of	363
the Revised Code, determines are necessary to establish the	364
community-based continuum of care.	365

(B) Ensure that the rights of persons receiving any 366
elements of the community-based continuum of care are protected; 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 process by which either contracting party may terminate the contract before it is scheduled to expire, with at least thirty days' notice, for any cause the party considers necessary for the early termination of the contract. The process shall include procedures under which the party subject to the early termination decision may appeal that decision to the terminating party's governing board.

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

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

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

(D) If a party to a contract entered into under this section ~~proposes not to renew the contract or proposes substantial changes in contract terms~~ intends not to enter into a contract for a subsequent term, the other party shall be given written notice at least ~~one hundred twenty~~ sixty days before the expiration date of the current contract. ~~During the first sixty days of this one hundred twenty day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to~~

~~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~~ 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 functionsits 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