(136th General Assembly)
(Senate Bill Number 138)

AN ACT

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

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

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

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

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

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

(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 addiction, and mental health services shall:

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

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

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

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

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

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

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

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

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

In alcohol, drug addiction, and mental health service districts that have separate alcohol and drug addiction services and community mental health boards, the alcohol and drug addiction services board shall submit a community addiction plan and the community mental health board

shall submit a community mental health plan. Each board shall consult with its counterpart in developing its plan and address the interaction between the local addiction and mental health systems and populations with regard to needs and priorities in developing its plan.

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

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

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

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

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

If a board's investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department.

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

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

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

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

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

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

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

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

(11) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the list of addiction services, mental health services, and recovery supports submitted and approved in accordance with division (B) of section 340.08 of the Revised Code are available to persons with severe mental disabilities residing within its service district. The board shall establish the procedure for authorizing payment for the services and supports, which may include prior authorization in appropriate circumstances. In accordance with section 340.037 of the Revised Code, the board may provide addiction services and mental

health services directly to a person with a severe mental disability when life or safety is endangered and when no community addiction services provider or community mental health services provider is available to provide the service.

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

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

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

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

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

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

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall be liable for injury or damages caused by any action or inaction taken within the scope of the member's official duties or the employee's employment, whether or not such action or inaction is expressly authorized by this section or any other section of the Revised Code, unless such action or inaction constitutes willful or wanton misconduct. Chapter 2744. of the Revised Code applies to any action or inaction by a member or employee of a board taken within the scope of the member's

official duties or employee's employment. For the purposes of this division, the conduct of a member or employee shall not be considered willful or wanton misconduct if the member or employee acted in good faith and in a manner that the member or employee reasonably believed was in or was not opposed to the best interests of the board and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

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

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

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

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

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

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

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

Sec. 340.032. Subject to rules adopted 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 addiction, and mental health services shall do all of the following:

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

(1) Prevention and wellness management services;

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

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

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

(3) Assessment services;

(4) Care coordination;

(5) Residential services;

(6) At least the following outpatient services:

(a) Nonintensive;

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

(c) Withdrawal management;

(d) Emergency and crisis.

(7) Where appropriate, at least the following inpatient services:

(a) Psychiatric care;

(b) Medically managed alcohol or drug treatment.

(8) At least all of the following recovery supports:

(a) Peer support;

(b) A wide range of housing and support services, including recovery housing residences;

(c) Employment, vocational, and educational opportunities;

(d) Assistance with social, personal, and living skills;

(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;

(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.

(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;

(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.

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

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

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

Sec. 340.036. (A) Subject to division (B) of this section and rules adopted 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 addiction, and mental health services shall ~~enter~~ provide for the continuum of care pursuant to section 340.032 of the Revised Code by entering into contracts with all of the following:

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

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

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

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

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

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

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

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

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

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

(b) Continuity of care.

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

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

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

(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 later than twenty days before the expiration date of the contract or a later date to which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution process~~If neither party provides such notice, a subsequent contract shall be entered into upon successful negotiation of contract terms.

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

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

(2) Eligibility criteria for applicants;

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

(4) Selection criteria;

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

Sec. 340.038. The department of mental health and addiction services, in collaboration with boards of alcohol, drug addiction, and mental health services and other stakeholders, shall develop a data sharing and integration plan. The plan shall specify data sharing and integration procedures that the department and the boards shall use to improve the management and administration of programs offering addiction or mental health services and to ensure that the essential elements of a board's continuum of care are available, as appropriate, to persons seeking or receiving addiction or mental health services.

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

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

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

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

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

(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the approval of the board, employ and remove from office such other employees and consultants as may be necessary for the work of the board, and fix their compensation and reimbursement within the limits set by the salary schedule and the budget approved by the board;

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

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

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

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

Sec. 340.05. If a community addiction services provider or community mental health services provider receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility licensed under section 5119.34 of the Revised Code, the provider shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives ~~such a report from a community addiction services provider or community mental health services provider of such~~ a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability or an individual receiving addiction services shall report the complaint to the director of mental health and addiction services for the purpose of the director conducting an investigation under section 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health

and safety of a resident is in ~~immediate~~ danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of mental health and addiction services under section 5119.34 of the Revised Code. The board shall ~~immediately~~ promptly report to the director regarding the board's actions under this section.

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

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

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

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

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

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

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

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

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not

require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the ~~department~~ director in accordance with division ~~(G)~~(H) of section 5119.22 of the Revised Code.

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

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

(2) Provide for uniformity in monitoring those persons;

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) ~~Submit~~ To ensure the safety of persons seeking or receiving addiction services, mental health services, or recovery supports, submit to the department a report summarizing all of the following:

(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;

(2) Investigations of the complaints and grievances;

(3) Outcomes of the investigations.

(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:

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

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

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

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

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

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

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

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

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

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

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

The department shall collect information that is necessary to perform these functionsits review and evaluation.

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

(F) To the extent the director determines necessary and after consulting with boards of

alcohol, drug addiction, and mental health services, community addiction services providers, and community mental health services providers, develop and operate, or contract for the operation of, a community behavioral health information system or systems. The department shall specify the information that must be provided by the boards and providers for inclusion in the system or systems.

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

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

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

(3) Information about persons served.

The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

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

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

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

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

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

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

~~(G)~~(H) Review each board's proposed community addiction and mental health plan, budget, and list of addiction services, mental health services, and recovery supports submitted pursuant to sections 340.03 and 340.08 of the Revised Code and approve or disapprove the plan, the budget, and the list in whole or in part. The director shall disapprove a board's proposed budget in whole or in part if the proposed budget would not make available in the board's service district the essential elements of the community-based continuum of care required by section 340.032 of the Revised

Code, including, except as otherwise authorized by a time-limited waiver issued under section 5119.221 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction.

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

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

If the director disapproves of all or part of any proposed amendment, the director shall provide the board an opportunity to present its position. The director shall inform the board of the reasons for the disapproval and of the criteria that must be met before the proposed amendment may be approved. The director shall give the board a reasonable time within which to meet the criteria and shall offer technical assistance to the board to help it meet the criteria.

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

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

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

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

Sec. 5119.25. (A) The director of mental health and addiction services may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

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

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

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

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

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

(C) The director shall issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director may offer technical assistance to the board to achieve compliance. The board shall have thirty days from receipt of the notice of noncompliance to present its position that it is in compliance or to submit to the director evidence of corrective action the board took to achieve compliance. Before withholding funds, the director or the director's designee shall hold a hearing within thirty days of receipt of the board's position or evidence to determine if there are continuing violations and that either assistance is rejected or the board is unable, or has failed, to achieve compliance. The director may appoint a representative from another board of alcohol, drug addiction, and mental health services to serve as a mentor for the board in developing and executing a plan of corrective action to achieve compliance. Any such representative shall be from a board that is in compliance with Chapter 340. of the Revised Code, this chapter, and the department's rules. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to one or more community mental health services providers or community addiction services providers to provide the mental health service, addiction service, or recovery support for which the board is not in compliance until the time that there is compliance.

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

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

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

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

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

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

_____

Speaker _____ of the House of Representatives.

_____

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

_____

Governor.

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

_____

Director, Legislative Service Commission.

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

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Secretary of State.

File No. _____ Effective Date _____