

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 363**

**Representatives Miller, A., Smith, M.**

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**A BILL**

To amend section 5119.10 of the Revised Code 1  
relating to plans for comprehensive counseling 2  
and supportive mental health services in 3  
response to disasters, emergencies, and other 4  
adverse events. 5

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

**Section 1.** That section 5119.10 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 5119.10.** (A) The director of mental health and 8  
addiction services is the chief executive and appointing 9  
authority of the department of mental health and addiction 10  
services. The director may organize the department for its 11  
efficient operation, including creating divisions or offices as 12  
necessary. The director may establish procedures for the 13  
governance of the department, conduct of its employees and 14  
officers, performance of its business, and custody, use, and 15  
preservation of departmental records, papers, books, documents, 16  
and property. Whenever the Revised Code imposes a duty upon or 17  
requires an action of the department or any of its institutions, 18  
the director or the director's designee shall perform the action 19

or duty in the name of the department, except that the medical 20  
director appointed pursuant to section 5119.11 of the Revised 21  
Code shall be responsible for decisions relating to medical 22  
diagnosis, treatment, rehabilitation, quality assurance, and the 23  
clinical aspects of the following: licensure of hospitals and 24  
residential facilities, research, community addiction and mental 25  
health plans, and certification and delivery of addiction 26  
services and mental health services. 27

(B) The director shall: 28

(1) Adopt rules for the proper execution of the powers and 29  
duties of the department with respect to the institutions under 30  
its control, and require the performance of additional duties by 31  
the officers of the institutions as necessary to fully meet the 32  
requirements, intents, and purposes of this chapter. In case of 33  
an apparent conflict between the powers conferred upon any 34  
managing officer and those conferred by such sections upon the 35  
department, the presumption shall be conclusive in favor of the 36  
department. 37

(2) Adopt rules for the nonpartisan management of the 38  
institutions under the department's control. An officer or 39  
employee of the department or any officer or employee of any 40  
institution under its control who, by solicitation or otherwise, 41  
exerts influence directly or indirectly to induce any other 42  
officer or employee of the department or any of its institutions 43  
to adopt the exerting officer's or employee's political views or 44  
to favor any particular person, issue, or candidate for office 45  
shall be removed from the exerting officer's or employee's 46  
office or position, by the department in case of an officer or 47  
employee, and by the governor in case of the director. 48

(3) Appoint such employees, including the medical 49

director, as are necessary for the efficient conduct of the 50  
department, and prescribe their titles and duties; 51

(4) Prescribe the forms of affidavits, applications, 52  
medical certificates, orders of hospitalization and release, and 53  
all other forms, reports, and records that are required in the 54  
hospitalization or admission and release of all persons to the 55  
institutions under the control of the department, or are 56  
otherwise required under this chapter or Chapter 5122. of the 57  
Revised Code; 58

(5) Exercise the powers and perform the duties relating to 59  
addiction and mental health facilities, addiction services, 60  
mental health services, and recovery supports that are assigned 61  
to the director under this chapter and Chapter 340. of the 62  
Revised Code; 63

(6) Develop and implement clinical evaluation and 64  
monitoring of services that are operated by the department; 65

(7) Adopt rules establishing standards for the performance 66  
of evaluations by a forensic center or other psychiatric program 67  
or facility of the mental condition of defendants ordered by the 68  
court under section 2919.271, or 2945.371 of the Revised Code, 69  
and for the treatment of defendants who have been found 70  
incompetent to stand trial and ordered by the court under 71  
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 72  
Code to receive treatment in facilities; 73

(8) On behalf of the department, have the authority and 74  
responsibility for entering into contracts and other agreements 75  
with providers, agencies, institutions, and other entities, both 76  
public and private, as necessary for the department to carry out 77  
its duties under this chapter and Chapters 340., 2919., 2945., 78

and 5122. of the Revised Code. Chapter 125. of the Revised Code 79  
does not apply to contracts the director enters into under this 80  
section for addiction services, mental health services, or 81  
recovery supports provided to individuals who have an addiction 82  
or mental illness by providers, agencies, institutions, and 83  
other entities not owned or operated by the department. 84

(9) Adopt rules in accordance with Chapter 119. of the 85  
Revised Code specifying the supplemental services that may be 86  
provided through a trust authorized by section 5815.28 of the 87  
Revised Code; 88

(10) Adopt rules in accordance with Chapter 119. of the 89  
Revised Code establishing standards for the maintenance and 90  
distribution to a beneficiary of assets of a trust authorized by 91  
section 5815.28 of the Revised Code; 92

(11) (a) Adopt rules in accordance with Chapter 119. of the 93  
Revised Code establishing procedures for the department and 94  
boards of alcohol, drug addiction, and mental health services to 95  
follow in planning for the provision and availability of 96  
comprehensive counseling and other supportive mental health 97  
services in response to all of the following: 98

(i) A natural disaster; 99

(ii) A pandemic; 100

(iii) A mass casualty incident; 101

(iv) A mass fatality incident; 102

(v) A mass shooting incident; 103

(vi) An emergency declared by a public official at the 104  
federal, regional, state, or local level. 105

(b) In adopting rules under division (B) (11) (a) of this section, the director shall ensure that the procedures address the manner in which the comprehensive counseling and other supportive mental health services are to meet both of the following standards: 106  
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(i) Be coordinated with public and private entities that provide services, at a federal, regional, state, or local level, in response to the events described in divisions (B) (11) (a) (i) to (vi) of this section; 111  
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(ii) Be made available to and accessible by individuals who are involved in or affected by the events, including emergency service personnel and other health care providers, social service providers, charitable and other relief service providers, residents of the areas in which the events occur, and other members of the general public. 115  
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(C) The director may contract with hospitals licensed by the department under section 5119.33 of the Revised Code for the care and treatment of mentally ill patients, or with persons, organizations, or agencies for the custody, evaluation, supervision, care, or treatment of mentally ill persons receiving services elsewhere than within the enclosure of a hospital operated under section 5119.14 of the Revised Code. 121  
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**Section 2.** That existing section 5119.10 of the Revised Code is hereby repealed. 128  
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