As Introduced

132nd General Assembly Regular Session 2017-2018

S. B. No. 71

Senator Manning

Cosponsors: Senators Brown, Hoagland, Huffman, Yuko

A BILL

Т	o amend the versions of sections 340.03 and	1
	340.041 of the Revised Code scheduled to take	2
	effect on July 1, 2017, to allow a board of	3
	alcohol, drug addiction, and mental health	4
	services to authorize its executive director to	5
	execute contracts valued at \$50,000 or less	6
	without the board's prior approval.	7

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

Section 1. That the versions of sections 340.03 and	8
340.041 of the Revised Code scheduled to take effect on July 1,	9
2017, be amended to read as follows:	10
Sec. 340.03. (A) Subject to rules issued by the director	11
of mental health and addiction services after consultation with	12
relevant constituencies as required by division (A)(10) of	13
section 5119.21 of the Revised Code, each board of alcohol, drug	14
addiction, and mental health services shall:	15
(1) Serve as the community addiction and mental health	16
planning agency for the county or counties under its	17
jurisdiction, and in so doing it shall:	18

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(a) Evaluate the need for facility services, addiction 19 services, mental health services, and recovery supports; 20 (b) In cooperation with other local and regional planning 21 and funding bodies and with relevant ethnic organizations, 22 evaluate strengths and challenges and set priorities for 23 addiction services, mental health services, and recovery 24 supports. A board shall include treatment and prevention 25 services when setting priorities for addiction services and 26 mental health services. When a board sets priorities for 27 addiction services, the board shall consult with the county 28 29 commissioners of the counties in the board's service district regarding the services described in section 340.15 of the 30 Revised Code and shall give priority to those services, except 31 that those services shall not have a priority over services 32 provided to pregnant women under programs developed in relation 33 to the mandate established in section 5119.17 of the Revised 34 Code. 35 (c) In accordance with guidelines issued by the director 36 of mental health and addiction services under division (F) of 37 section 5119.22 of the Revised Code, annually develop and submit 38 to the department of mental health and addiction services a 39

of the following: (i) The needs of all residents of the 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; 41 42 43 44 44 45 46 47

(ii) The department's priorities for facility services,

community addiction and mental health plan that addresses both

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addiction services, mental health services, and recovery49supports during the period for which the plan will be in effect.50The department shall inform all of the boards of the51department's priorities in a timely manner that enables the52boards to know the department's priorities before the boards53develop and submit the plans.54

In alcohol, drug addiction, and mental health service 55 districts that have separate alcohol and drug addiction services 56 and community mental health boards, the alcohol and drug 57 addiction services board shall submit a community addiction plan 58 59 and the community mental health board shall submit a community mental health plan. Each board shall consult with its 60 counterpart in developing its plan and address the interaction 61 between the local addiction and mental health systems and 62 populations with regard to needs and priorities in developing 63 its plan. 64

The department shall approve or disapprove the plan, in65whole or in part, in accordance with division (G) of section665119.22 of the Revised Code. Eligibility for state and federal67funding shall be contingent upon an approved plan or relevant68part of a plan.69

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) of section 5119.22 of the Revised Code.

The board shall operate in accordance with the plan 75 approved by the department. 76

(d) Promote, arrange, and implement working agreements

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with social agencies, both public and private, and with judicial 78 agencies. 79

(2) Investigate, or request another agency to investigate, 80 any complaint alleging abuse or neglect of any person receiving 81 addiction services, mental health services, or recovery supports 82 from a community addiction services provider or community mental 83 health services provider or alleging abuse or neglect of a 84 resident receiving addiction services or with mental illness or 85 severe mental disability residing in a residential facility 86 licensed under section 5119.34 of the Revised Code. If the 87 investigation substantiates the charge of abuse or neglect, the 88 board shall take whatever action it determines is necessary to 89 correct the situation, including notification of the appropriate 90 authorities. Upon request, the board shall provide information 91 about such investigations to the department. 92

(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;

(4) In accordance with criteria established under division 100 (D) of section 5119.22 of the Revised Code, conduct program 101 audits that review and evaluate the quality, effectiveness, and 102 efficiency of addiction services, mental health services, and 103 recovery supports provided by community addiction services 104 providers and community mental health services providers under 105 contract with the board and submit the board's findings and 106 recommendations to the department of mental health and addiction 107

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services;

(5) In accordance with section 5119.34 of the Revised 109 Code, review an application for a residential facility license 110 and provide to the department of mental health and addiction 111 services any information about the applicant or facility that 112 the board would like the department to consider in reviewing the 113 application; 114

(6) Audit, in accordance with rules adopted by the auditor 115 of state pursuant to section 117.20 of the Revised Code, at 116 least annually all programs, addiction services, mental health 117 services, and recovery supports provided under contract with the 118 board. In so doing, the board may contract for or employ the 119 services of private auditors. A copy of the fiscal audit report 120 shall be provided to the director of mental health and addiction 121 services, the auditor of state, and the county auditor of each 122 county in the board's district.

(7) Recruit and promote local financial support for 124 addiction services, mental health services, and recovery 125 supports from private and public sources; 126

(8) In accordance with guidelines issued by the department 127 as necessary to comply with state and federal laws pertaining to 128 financial assistance, approve fee schedules and related charges 129 or adopt a unit cost schedule or other methods of payment for 130 addiction services, mental health services, and recovery 131 supports provided by community addiction services providers and 132 community mental health services providers that have contracted 133 with the board under section 340.036 of the Revised Code; 134

(9) Submit to the director and the county commissioners of 135 the county or counties served by the board, and make available 136

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to the public, an annual report of the addiction services,137mental health services, and recovery supports under the138jurisdiction of the board, including a fiscal accounting;139

(10) Establish a method for evaluating referrals for 140 court-ordered treatment and affidavits filed pursuant to section 141 5122.11 of the Revised Code in order to assist the probate 142 division of the court of common pleas in determining whether 143 there is probable cause that a respondent is subject to court- 144 ordered treatment and whether alternatives to hospitalization 145 are available and appropriate; 146

(11) Designate the treatment services, provider, facility, 147 or other placement for each person involuntarily committed to 148 the board pursuant to Chapter 5122. of the Revised Code. The 149 board shall provide the least restrictive and most appropriate 150 alternative that is available for any person involuntarily 151 committed to it and shall assure that the list of addiction 152 services, mental health services, and recovery supports 153 submitted and approved in accordance with division (B) of 154 section 340.08 of the Revised Code are available to severely 155 mentally disabled persons residing within its service district. 156 The board shall establish the procedure for authorizing payment 157 for the services and supports, which may include prior 158 authorization in appropriate circumstances. In accordance with 159 section 340.037 of the Revised Code, the board may provide 160 addiction services and mental health services directly to a 161 severely mentally disabled person when life or safety is 162 endangered and when no community addiction services provider or 163 community mental health services provider is available to 164 provide the service. 165

(12) Ensure that housing built, subsidized, renovated, 166

rented, owned, or leased by the board or a community addiction 167 services provider or community mental health services provider 168 has been approved as meeting minimum fire safety standards and 169 that persons residing in the housing have access to appropriate 170 and necessary services, including culturally relevant services, 171 from a community addiction services provider or community mental 172 health services provider. This division does not apply to 173 residential facilities licensed pursuant to section 5119.34 of 174 the Revised Code. 175

(13) Establish a mechanism for obtaining advice and 176 involvement of persons receiving addiction services, mental 177 health services, or recovery supports on matters pertaining to 178 services and supports in the alcohol, drug addiction, and mental 179 health service district; 180

(14) Perform the duties required by rules adopted under 181 section 5119.22 of the Revised Code regarding referrals by the 182 board or community mental health services providers under 183 contract with the board of individuals with mental illness or 184 severe mental disability to class two residential facilities 185 licensed under section 5119.34 of the Revised Code and effective 186 arrangements for ongoing mental health services for the 187 individuals. The board is accountable in the manner specified in 188 the rules for ensuring that the ongoing mental health services 189 are effectively arranged for the individuals. 190

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

(C) A board of alcohol, drug addiction, and mental health 196

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services may receive by gift, grant, devise, or bequest any 197 moneys, lands, or property for the benefit of the purposes for 198 which the board is established, and may hold and apply it 199 according to the terms of the gift, grant, or bequest. All money 200 received, including accrued interest, by gift, grant, or bequest 201 shall be deposited in the treasury of the county, the treasurer 202 of which is custodian of the alcohol, drug addiction, and mental 203 health services funds to the credit of the board and shall be 204 available for use by the board for purposes stated by the donor 205 206 or grantor.

(D) No member or employee of a board of alcohol, drug 207 addiction, and mental health services shall be liable for injury 208 or damages caused by any action or inaction taken within the 209 scope of the member's official duties or the employee's 210 employment, whether or not such action or inaction is expressly 211 authorized by this section or any other section of the Revised 212 Code, unless such action or inaction constitutes willful or 213 wanton misconduct. Chapter 2744. of the Revised Code applies to 214 any action or inaction by a member or employee of a board taken 215 within the scope of the member's official duties or employee's 216 employment. For the purposes of this division, the conduct of a 217 member or employee shall not be considered willful or wanton 218 misconduct if the member or employee acted in good faith and in 219 a manner that the member or employee reasonably believed was in 220 or was not opposed to the best interests of the board and, with 221 respect to any criminal action or proceeding, had no reasonable 222 cause to believe the conduct was unlawful. 223

(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) A board of alcohol, drug addiction, and mental health	228
services may establish a rule, operating procedure, standard, or	229
bylaw to allow the executive director of the board to execute	230
contracts valued at fifty thousand dollars or less, as	231
determined by the board, on behalf of the board without the	232
board's prior approval.	233
Sec. 340.041. In addition to such other duties as may be	234
lawfully imposed, the executive director of a board of alcohol,	235
drug addiction, and mental health services shall:	236
(A) Serve as executive officer of the board and $_{m L}$ subject	237
to the prior approval of the board for each contract, except	238
contracts, if any, to which division (F) of section 340.03 of	239
the Revised Code applies, execute contracts on its behalf;	240
(B) Supervise addiction services, mental health services,	241
recovery supports, and facilities provided, operated,	241
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contracted, or supported by the board to the extent of	_
determining that services, supports, and facilities are being	244
administered in conformity with this chapter and rules of the	245
director of mental health and addiction services;	246
(C) Provide consultation to community addiction services	247
providers and community mental health services providers;	248
(D) Recommend to the board the changes necessary to	249
increase the effectiveness of addiction services, mental health	250
services, and recovery supports and other matters necessary or	251
desirable to carry out this chapter;	252
(E) Employ and remove from office such employees and	253
(E) Emproy and remove from office such emproyees and	200

(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
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employees and consultants as may be necessary for the work of
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the board, and fix their compensation and reimbursement within 257 the limits set by the salary schedule and the budget approved by 258 the board; 259

(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;
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(H) Conduct such studies as may be necessary and
practicable for the promotion of mental health, promotion of
addiction services, and the prevention of mental illness,
emotional disorders, and addiction;

(I) Authorize the county auditor, or in a joint-county 272 district the county auditor designated as the auditor for the 273 district, to issue warrants for the payment of board obligations 274 approved by the board, provided that all payments from funds 275 distributed to the board by the department of mental health and 276 addiction services are in accordance with the budget submitted 277 pursuant to section 340.08 of the Revised Code, as approved by 278 the department of mental health and addiction services. 279

Section 2. That the existing versions of sections 340.03280and 340.041 of the Revised Code scheduled to take effect on July2811, 2017, are hereby repealed.282

Section 3. Sections 1 and 2 of this act take effect on 283 July 1, 2017. 284