



Mental Health Recovery Board

Serving Warren & Clinton Counties

Ohio House Behavioral Health and Recovery Supports Committee

Proponent Testimony on Sub. HB 523

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Chairwoman Carruthers, Vice-Chair Pavliga, and members of the House Behavioral Health and Recovery Supports Committee.

I want to thank you for this opportunity to submit testimony in support of Sub HB 523. My name is Colleen Chamberlain, and I am the Executive Director of the Mental Health Recovery Board Serving Warren and Clinton Counties.

As you are aware, Ohio Revised Code Chapter 340 provides the road map on how ADAMHS boards are structured and how they are to do business. Unfortunately, it is still a paper map. It has not been updated to include the changing ways that are available for navigation toward better community services and outcomes. This is why I support Sub H.B. 523.

My focus today is to speak briefly about two areas, contracting and certification.

First, contracting. Sub H.B. 523 will allow for more local control in purchasing behavioral health services that best meet the changing needs of our communities. We need the ability to purchase the services that are in the best interest of the clients we serve and not just services that have been historically provided. Community needs change and the types of services and sometimes the providers of those services need to change as well.

Currently, it is difficult to make changes as the language of the 120-day notice and recent lawsuits have muddied the waters regarding ADAMHS boards' authority to make contract changes with providers and to put programs and services out to bid. In addition, over the last two contracting cycles, lawsuits have been filed with a focus on the interpretation of the 120-day notice language. Dollars that should have gone to provide services in the community have instead been spent on defending against these suits. Time and energy have been diverted from doing the business of the board to responding to the litigation process.

Certainly, I support good business practice in contracting including continuing contracts, modifying terms, allowing for reasonable notice, negotiating and even termination if circumstances support such. All contracting, present and future, is done in good faith and with due diligence. This change in practice also aligns with how other state and governmental agencies contract. Updating Chapter 340 will allow ADAMHS boards to be responsive to community needs and not be tied to services and providers that are not performing well or are not meeting current client and community needs.

Functionally, the 120-day notice is not practical. It limits the information available from the service providers and often does not allow enough time to gather sufficient data so that better informed decisions can be made. As Chapter 340 is currently written, at the time of the required notice, there is less than 6 months' worth of data available to determine quality and outcomes of contracted services. Levels of utilization are often not known because billing lags behind service delivery.

The second area in which I would like to offer a brief comment is provider certification. As a Board, we do not wish to be a certifying organization. However, being "in the loop" about current and new certifications would be very helpful. Boards have a "boots on the ground" perspective about providers in their communities. Unfortunately, new providers are often under the radar until we are contacted about a complaint. If in the certification loop, we would be better able to address issues as they arise.

Madam Chairwoman and members of the Committee, thank you for the opportunity to provide testimony today. Should you have any questions, I would be happy to answer them.