

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 105**

**Senators Johnson, Sykes**

**Cosponsors: Senators Hoagland, Craig, Ingram**

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**A BILL**

To amend sections 340.01, 340.02, 340.022, 340.03, 1  
340.032, 340.033, 340.034, 340.035, 340.036, 2  
340.04, 340.30, 5119.01, 5119.36, 5119.363, 3  
5119.48, 5119.61, 5119.90, 5119.99, and 5160.45; 4  
to enact sections 5119.39, 5119.391, 5119.392, 5  
5119.393, 5119.394, 5119.395, 5119.396, and 6  
5119.397; and to repeal sections 340.20 and 7  
3720.041 of the Revised Code regarding the 8  
composition of boards of alcohol, drug 9  
addiction, and mental health services; the 10  
authority of the boards; and the requirements 11  
for operation of recovery housing residences. 12

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

**Section 1.** That sections 340.01, 340.02, 340.022, 340.03, 13  
340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 340.30, 14  
5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 5119.99, 15  
and 5160.45 be amended and sections 5119.39, 5119.391, 5119.392, 16  
5119.393, 5119.394, 5119.395, 5119.396, and 5119.397 of the 17  
Revised Code be enacted to read as follows: 18

Sec. 340.01. (A) As used in this chapter: 19

(1) "Addiction," "addiction services," "alcohol and drug 20  
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 21  
"certifiable services and supports," "community addiction 22  
services provider," "community mental health services provider," 23  
"drug addiction," "gambling addiction services," "included 24  
opioid and co-occurring drug addiction services and recovery 25  
supports," "mental health services," "mental illness," "recovery 26  
housing residence," and "recovery supports" have the same 27  
meanings as in section 5119.01 of the Revised Code. 28

(2) "Medication-assisted treatment" means alcohol and drug 29  
addiction services that are accompanied by medication approved 30  
by the United States food and drug administration for the 31  
treatment of ~~alcoholism~~ alcohol use disorder or drug addiction, 32  
prevention of relapse ~~of alcoholism or drug addiction,~~ or both. 33

~~(3) "Recovery housing" means housing for individuals 34  
recovering from alcoholism or drug addiction that provides an 35  
alcohol and drug free living environment, peer support, 36  
assistance with obtaining alcohol and drug addiction services, 37  
and other alcoholism and drug addiction recovery assistance. 38~~

(B) An alcohol, drug addiction, and mental health service 39  
district shall be established in any county or combination of 40  
counties having a population of at least fifty thousand. With 41  
the approval of the director of mental health and addiction 42  
services, any county or combination of counties having a 43  
population of less than fifty thousand may establish such a 44  
district. Districts comprising more than one county shall be 45  
known as joint-county districts. 46

The board of county commissioners of any county 47

participating in a joint-county district may submit a resolution 48  
requesting withdrawal from the district together with a 49  
comprehensive plan or plans that are in compliance with rules 50  
adopted by the director of mental health and addiction services 51  
under section 5119.22 of the Revised Code, ~~and that provide for~~ 52  
~~the equitable adjustment and division of all services, assets,~~ 53  
~~property, debts, and obligations, if any, of the joint county~~ 54  
~~district~~ to the board of alcohol, drug addiction, and mental 55  
health services, to the boards of county commissioners of each 56  
county in the district, and to the director. The plan or plans 57  
shall include all of the following: proposed bylaws for the 58  
operation of the newly established district; a list of potential 59  
board members; a list of the behavioral health services 60  
available in the newly established district, including 61  
inpatient, outpatient, prevention, and housing services; 62  
equitable adjustment and division of all services, assets, 63  
property, debts, and obligations of the former joint-county 64  
district; a plan ensuring no disruption in behavioral health 65  
services in the newly established district; and provision for 66  
the employment of an executive director of the newly established 67  
district. 68

The director shall approve the plan not later than one 69  
year after the date the resolution was adopted by the board of 70  
county commissioners. No county participating in a joint-county 71  
~~service~~ district may withdraw from the district without the 72  
consent of the director of mental health and addiction services 73  
nor earlier than one year after the submission of such 74  
resolution unless all of the participating counties agree to an 75  
earlier withdrawal. ~~Any~~ 76

Any county withdrawing from a joint-county district shall 77  
continue to have levied against its tax list and duplicate any 78

tax levied by the district during the period in which the county 79  
was a member of the district until such time as the levy expires 80  
or is renewed or replaced. 81

(C) For any tax levied under section 5705.19 of the 82  
Revised Code by a board of a joint-county district formed on or 83  
~~after the effective date of this amendment~~ April 3, 2023, 84  
revenue from the tax shall only be expended for the benefit of 85  
the residents of the county from which the revenue is derived. 86  
For the purpose of this division, a joint-county district is not 87  
formed by virtue of a county joining or withdrawing from a 88  
district or if a joint-county service district merges with 89  
another joint-county district. 90

**Sec. 340.02.** (A) For each alcohol, drug addiction, and 91  
mental health service district, there shall be appointed a board 92  
of alcohol, drug addiction, and mental health services 93  
~~consisting.~~ As provided in this section, the board shall consist 94  
of eighteen members~~or, fifteen members, fourteen members,~~ 95  
twelve members, or nine members.~~Should the board of alcohol,~~ 96  
~~drug addiction, and mental health services elect to remain at~~ 97  
~~eighteen members, as provided under section 340.02 of the~~ 98  
~~Revised Code as it existed immediately prior to the date of this~~ 99  
~~amendment, the board of alcohol, drug addiction, and mental~~ 100  
~~health services and the board of county commissioners shall not~~ 101  
~~be required to take any action. Should the board of alcohol,~~ 102  
~~drug addiction, and mental health services elect a~~ 103  
~~recommendation to become a fourteen member board, that~~ 104  
~~recommendation must be approved by the board of county~~ 105  
~~commissioners of the county in which the alcohol, drug~~ 106  
~~addiction, and mental health district is located in order for~~ 107  
~~the transition to a fourteen member board to occur. Not later~~ 108  
~~than September 30, 2013, each board of alcohol, drug addiction,~~ 109

~~and mental health services wishing to become a fourteen member~~ 110  
~~board shall notify the board of county commissioners of that~~ 111  
~~recommendation. Failure of the board of county commissioners to~~ 112  
~~take action within thirty days after receipt of the~~ 113  
~~recommendation shall be deemed agreement by the board of county~~ 114  
~~commissioners to transition to a fourteen member board of~~ 115  
~~alcohol, drug addiction, and mental health services. Should the~~ 116  
~~board of county commissioners reject the recommendation, the~~ 117  
~~board of county commissioners shall adopt a resolution stating~~ 118  
~~that rejection within thirty days after receipt of the~~ 119  
~~recommendation. Upon adoption of the resolution, the board of~~ 120  
~~county commissioners shall meet with the board of alcohol, drug~~ 121  
~~addiction, and mental health services to discuss the matter.~~ 122  
~~After the meeting, the board of county commissioners shall~~ 123  
~~notify the department of mental health and addiction services of~~ 124  
~~its election not later than January 1, 2014. In a joint county~~ 125  
~~district, a majority of the boards of county commissioners must~~ 126  
~~not reject the recommendation of a joint county board to become~~ 127  
~~a fourteen member board in order for the transition to a~~ 128  
~~fourteen member board to occur. Should the joint county district~~ 129  
~~have an even number of counties, and the boards of county~~ 130  
~~commissioners of these counties tie in terms of whether or not~~ 131  
~~to accept the recommendation of the alcohol, drug addiction, and~~ 132  
~~mental health services board, the recommendation of the alcohol,~~ 133  
~~drug addiction, and mental health service board to become a~~ 134  
~~fourteen member board shall prevail. The election shall be~~ 135  
~~final. Failure to provide notice of its election to the~~ 136  
~~department on or before January 1, 2014, shall constitute an~~ 137  
~~election to continue to operate as an eighteen member board,~~ 138  
~~which election shall also be final. If an existing board~~ 139  
~~provides timely notice of its election to transition to operate~~ 140  
~~as a fourteen member board, the number of board members may~~ 141

~~decline from eighteen to fourteen by attrition as current~~ 142  
~~members' terms expire. However, the composition of the board~~ 143  
~~must reflect the requirements set forth in this section for~~ 144  
~~fourteen-member boards. For all boards, half of the members~~ 145  
~~shall be interested in mental health services and half of the~~ 146  
~~members shall be interested in alcohol, drug, or gambling~~ 147  
~~addiction services.~~ 148

In a single-county district, the size of the board shall 149  
be determined by the board of county commissioners representing 150  
the county that constitutes the district. In a joint-county 151  
district, the size of the board shall be determined jointly by 152  
all of the boards of county commissioners representing the 153  
counties that constitute the district. 154

The determination of board size shall be made by selecting 155  
one of the options described in division (B) of this section. 156  
After an option is selected and implemented, a subsequent 157  
determination of board size may be made, except that subsequent 158  
determinations shall not occur more frequently than once every 159  
four calendar years. 160

If a selected option would result in a change in board 161  
size, before the option may be implemented the board of county 162  
commissioners or boards of county commissioners, as the case may 163  
be, shall send a representative to a meeting of the board of 164  
alcohol, drug addiction, and mental health services to solicit 165  
feedback about the matter. After considering any feedback 166  
received, the board or boards of county commissioners may 167  
proceed with implementing the change in board size. If the 168  
change results in a reduction of board members, the reduction 169  
shall be implemented by not filling vacancies as they occur. 170

To implement a selected option that would result in the 171

establishment of a new board of alcohol, drug addiction, and 172  
mental health services or in a change in size of an existing 173  
board, the board or boards of county commissioners, as the case 174  
may be, shall adopt a resolution specifying the board size that 175  
has been selected. The board or boards of county commissioners 176  
also shall notify the department of mental health and addiction 177  
services of the board size that has been selected. 178

(B) (1) In the case of a board of alcohol, drug addiction, 179  
and mental health services that is established on or after the 180  
effective date of this amendment, any of the following options 181  
may be selected for purposes of division (A) of this section: 182

(a) To establish the board as an eighteen-member board; 183

(b) To establish the board as a fifteen-member board; 184

(c) To establish the board as a fourteen-member board; 185

(d) To establish the board as a twelve-member board; 186

(e) To establish the board as a nine-member board; 187

(f) To change the board's size after it has been 188  
established by selecting a number of members that is eighteen, 189  
fifteen, fourteen, twelve, or nine, as the case may be. 190

(2) In the case of a board of alcohol, drug addiction, and 191  
mental health services that existed immediately prior to the 192  
effective date of this amendment, either of the following 193  
options may be selected for purposes of division (A) of this 194  
section: 195

(a) To continue the board's operation as an eighteen- 196  
member or fourteen-member board, as a board of that size was 197  
authorized prior to the effective date of this amendment, in 198  
which case no further action is required; 199

(b) To change the board's size by selecting a number of 200  
members that is eighteen, fifteen, fourteen, twelve, or nine as 201  
the case may be. 202

(C) All members shall be residents of the service 203  
district. The membership shall, as nearly as possible, reflect 204  
the composition of the population of the service district as to 205  
race and sex. 206

~~(B) For boards operating as eighteen member boards, the~~ 207  
The director of mental health and addiction services shall 208  
appoint ~~eight~~ one-third of the members of the board and the 209  
board of county commissioners shall appoint ~~ten~~ two-thirds of 210  
the members. ~~For boards operating as fourteen member boards, the~~ 211  
~~director of mental health and addiction services shall appoint~~ 212  
~~six members of the board and the board of county commissioners~~ 213  
~~shall appoint eight members.~~ In a joint-county district, the 214  
board of county commissioners of each participating county shall 215  
appoint members in as nearly as possible the same proportion as 216  
that county's population bears to the total population of the 217  
district, except that at least one member shall be appointed 218  
from each participating county. 219

~~(C) The director of mental health and addiction services~~ 220  
~~shall ensure that at least one member of the board is a~~ 221  
~~clinician with experience in the delivery of mental health~~ 222  
~~services, at least one member of the board is~~ In making 223  
appointments to the board, the appointing authorities shall 224  
ensure that at least one-half of the board's membership, at all 225  
times, consists of persons who are qualified to serve by virtue 226  
of being any of the following: a person who has received or is 227  
receiving mental health services, ~~at least one member of the~~ 228  
~~board~~ or who is a parent or other relative of such a person, ~~at~~ 229



~~least one member of the board is a clinician with experience in~~ 230  
~~the delivery of addiction services, at least one member of the~~ 231  
~~board is or~~ a person who has received or is receiving addiction 232  
services, ~~and at least one member of the board~~ or who is a 233  
parent or other relative of such a person. ~~A single member who~~ 234  
~~meets both qualifications may fulfill the requirement for a~~ 235  
~~clinician with experience in the delivery of mental health~~ 236  
~~services and a clinician with experience in the delivery of~~ 237  
~~addiction services.~~ 238

~~(D)~~ No member or employee of a board of alcohol, drug 239  
addiction, and mental health services shall serve as a member of 240  
the board of any provider with which the board of alcohol, drug 241  
addiction, and mental health services has entered into a 242  
contract for the provision of services or facilities. No member 243  
of a board of alcohol, drug addiction, and mental health 244  
services shall be an employee of any provider with which the 245  
board has entered into a contract for the provision of services 246  
or facilities. No person shall be an employee of a board and 247  
such a provider unless the board and provider both agree in 248  
writing. 249

~~(E)~~ No person shall serve as a member of the board of 250  
alcohol, drug addiction, and mental health services whose 251  
spouse, child, parent, brother, sister, grandchild, stepparent, 252  
stepchild, stepbrother, stepsister, father-in-law, mother-in- 253  
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 254  
law serves as a member of the board of any provider with which 255  
the board of alcohol, drug addiction, and mental health services 256  
has entered into a contract for the provision of services or 257  
facilities. No person shall serve as a member ~~or employee~~ of the 258  
board whose spouse, child, parent, brother, sister, stepparent, 259  
stepchild, stepbrother, stepsister, father-in-law, mother-in- 260

law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 261  
law serves as a county commissioner of a county or counties in 262  
the alcohol, drug addiction, and mental health service district. 263

~~(F)~~ Each year each board member shall attend at least one 264  
inservice training session provided or approved by the 265  
department of mental health and addiction services. 266

~~(G) For boards operating as eighteen member boards, each~~ 267  
Each member shall be appointed for a term of four years, 268  
commencing the first day of July, except that ~~one third of~~ 269  
~~initial appointments to a newly established board, and to the~~ 270  
~~extent possible to expanded boards, shall be for terms of two~~ 271  
~~years, one third of initial appointments shall be for terms of~~ 272  
~~three years, and one third of initial appointments shall be for~~ 273  
~~terms of four years. For boards operating as fourteen member~~ 274  
~~boards, each member shall be appointed for a term of four years,~~ 275  
~~commencing the first day of July, except that four of the~~ 276  
~~initial appointments to a newly established board, and to the~~ 277  
~~extent possible to expanded boards, shall be for terms of two~~ 278  
~~years, five initial appointments shall be for terms of three~~ 279  
~~years, and five initial appointments shall be for terms of four~~ 280  
~~years. No when a board is established on or after the effective~~ 281  
date of this amendment, the initial appointments shall be 282  
staggered among the members as equally as possible with terms of 283  
two years, three years, and four years. 284

No member shall serve more than two consecutive four-year 285  
terms under the same appointing authority. A member may serve 286  
for three consecutive terms under the same appointing authority 287  
only if one of the terms is for less than two years. A member 288  
who has served two consecutive four-year terms or three 289  
consecutive terms totaling less than ten years is eligible for 290

reappointment by the same appointing authority one year 291  
following the end of the second or third term, respectively. 292

When a vacancy occurs, appointment for the expired or 293  
unexpired term shall be made in the same manner as an original 294  
appointment. The board shall notify the appointing authority 295  
either by certified mail or, if the board has record of an 296  
internet identifier of record associated with the authority, by 297  
ordinary mail and by that internet identifier of record of any 298  
vacancy and shall fill the vacancy within sixty days following 299  
that notice. As used in this paragraph, "internet identifier of 300  
record" has the same meaning as in section 9.312 of the Revised 301  
Code. 302

Any member of the board may be removed from office by the 303  
appointing authority ~~for neglect of duty, misconduct, or~~ 304  
~~malfeasance in office, and shall be removed by the appointing~~ 305  
~~authority if the member is barred by this section from serving~~ 306  
~~as a board member at will.~~ The ~~Before~~ a member may be removed at 307  
will, the member shall be informed in writing of the ~~charges~~ 308  
proposed removal and afforded an opportunity for a public 309  
hearing. Upon the absence of a member within one year from 310  
either four board meetings or from two board meetings without 311  
prior notice, the board shall notify the appointing authority, 312  
which may vacate the appointment and appoint another person to 313  
complete the member's term. 314

Members of the board shall serve without compensation, but 315  
shall be reimbursed for actual and necessary expenses incurred 316  
in the performance of their official duties, as defined by rules 317  
of the department of mental health and addiction services. 318

~~(H) As used in this section, "internet identifier of~~ 319  
~~record" has the same meaning as in section 9.312 of the Revised~~ 320

Code. 321

**Sec. 340.022.** ~~(A) if~~ Notwithstanding the procedures 322  
established by section 340.02 of the Revised Code for 323  
determining the size of a board of alcohol, drug addiction, and 324  
mental health services, the size of a board shall be determined 325  
in accordance with this section in both of the following 326  
circumstances: 327

(A) (1) If the director of mental health and addiction 328  
services during the period beginning January 1, 2021, and ending 329  
December 31, 2022, grants approval to a board of county 330  
commissioners of a county with a population of at least seventy 331  
thousand but not more than eighty thousand, according to data 332  
from the 2010 federal census, to withdraw from a joint-county 333  
alcohol, drug addiction, and mental health service district 334  
pursuant to section 340.01 of the Revised Code, ~~The~~ the size of 335  
the board shall be determined by the board of county 336  
commissioners representing the county that constitutes the 337  
single-county alcohol, drug addiction, and mental health service 338  
district created as a result of the withdrawal. The 339  
determination shall be made from among the options that may be 340  
selected under division ~~(B)~~ (A) (2) of this section. Once an 341  
option is selected, the board of county commissioners shall 342  
adopt a resolution specifying the selection that has been made 343  
and shall notify the department of mental health and addiction 344  
services. After the resolution is adopted and the department is 345  
notified, the determination of size is final. 346

~~(B) (1)~~ (2) In the case of a board of alcohol, drug 347  
addiction, and mental health services that is established on or 348  
after the date the director grants the approval to withdraw 349  
described in division ~~(A)~~ (A) (1) of this section, ~~any~~ either of 350

the following options may be selected by the board of county 351  
commissioners when making the determination required under that 352  
division: 353

(a) To establish the board as an eighteen-member board; 354

(b) To establish the board as a fourteen-member board. 355

~~(C) (3) When a board is established on or after the~~ 356  
~~effective date of this section September 30, 2021,~~ 357  
the initial 358  
appointments shall be staggered among the members as equally as 359  
possible with terms of two years, three years, and four years.

~~(D) (1) Notwithstanding the membership requirements of~~ 360  
~~section 340.02 of the Revised Code, if (B) (1) If~~ 361  
a county with a 362  
population of at least thirty-five thousand but not more than 363  
forty-five thousand, according to data from the 2010 federal 364  
census, joins an existing alcohol, drug addiction, and mental 365  
health service district during the period beginning on June 30, 366  
2021, and ending June 30, 2023, the existing board of alcohol, 367  
drug addiction, and mental health services serving that district 368  
may elect to expand its membership to eighteen members if the 369  
existing board has fourteen members.

(2) The option to expand the board, as provided in 370  
division ~~(D) (1)~~ (B) (1) of this section, is available only during 371  
the twelve-month period beginning on the date the county with a 372  
population of at least thirty-five thousand but not more than 373  
forty-five thousand joins the alcohol, drug addiction, and 374  
mental health service district served by the board. The 375  
additional members shall be appointed in the manner specified in 376  
section 340.02 of the Revised Code. 377

**Sec. 340.03.** (A) Subject to rules issued by the director 378  
of mental health and addiction services after consultation with 379

relevant constituencies as required by division (A) (10) of 380  
section 5119.21 of the Revised Code, each board of alcohol, drug 381  
addiction, and mental health services shall: 382

(1) Serve as the community addiction and mental health 383  
planning agency for the county or counties under its 384  
jurisdiction, and in so doing it shall: 385

(a) Evaluate the need for facility services, addiction 386  
services, mental health services, and recovery supports; 387

(b) In cooperation with other local and regional planning 388  
and funding bodies and with relevant ethnic organizations, 389  
evaluate strengths and challenges and set priorities for 390  
addiction services, mental health services, and recovery 391  
supports. A board shall include treatment and prevention 392  
services when setting priorities for addiction services and 393  
mental health services. When a board sets priorities for 394  
addiction services, the board shall consult with the county 395  
commissioners of the counties in the board's service district 396  
regarding the services described in section 340.15 of the 397  
Revised Code and shall give priority to those services, except 398  
that those services shall not have a priority over services 399  
provided to pregnant women under programs developed in relation 400  
to the mandate established in section 5119.17 of the Revised 401  
Code. 402

(c) In accordance with guidelines issued by the director 403  
of mental health and addiction services under division (F) of 404  
section 5119.22 of the Revised Code, annually develop and submit 405  
to the department of mental health and addiction services a 406  
community addiction and mental health plan that addresses both 407  
of the following: 408

(i) The needs of all residents of the service district 409  
currently receiving inpatient services in state-operated 410  
hospitals, the needs of other populations as required by state 411  
or federal law or programs, and the needs of all children 412  
subject to a determination made pursuant to section 121.38 of 413  
the Revised Code; 414

(ii) The department's priorities for facility services, 415  
addiction services, mental health services, and recovery 416  
supports during the period for which the plan will be in effect. 417  
The department shall inform all of the boards of the 418  
department's priorities in a timely manner that enables the 419  
boards to know the department's priorities before the boards 420  
develop and submit the plans. 421

In alcohol, drug addiction, and mental health service 422  
districts that have separate alcohol and drug addiction services 423  
and community mental health boards, the alcohol and drug 424  
addiction services board shall submit a community addiction plan 425  
and the community mental health board shall submit a community 426  
mental health plan. Each board shall consult with its 427  
counterpart in developing its plan and address the interaction 428  
between the local addiction and mental health systems and 429  
populations with regard to needs and priorities in developing 430  
its plan. 431

The department shall approve or disapprove the plan, in 432  
whole or in part, in accordance with division (G) of section 433  
5119.22 of the Revised Code. Eligibility for state and federal 434  
funding shall be contingent upon an approved plan or relevant 435  
part of a plan. 436

If a board determines that it is necessary to amend an 437  
approved plan, the board shall submit a proposed amendment to 438

the director. The director shall approve or disapprove all or 439  
part of the amendment in accordance with division (H) of section 440  
5119.22 of the Revised Code. 441

The board shall operate in accordance with the plan 442  
approved by the department. 443

(d) Promote, arrange, and implement working agreements 444  
with social service agencies, both public and private, ~~and~~ 445  
including other government programs that provide public 446  
benefits, in which case the agreements shall be for the 447  
following purposes: to coordinate public benefits and to improve 448  
the management and administration of the government programs; 449

(e) Promote, arrange, and implement working agreements 450  
with judicial agencies. 451

(2) Investigate, or request another agency to investigate, 452  
any complaint alleging abuse or neglect of any person receiving 453  
addiction services, mental health services, or recovery supports 454  
from a community addiction services provider or community mental 455  
health services provider or alleging abuse or neglect of a 456  
resident receiving addiction services or with mental illness or 457  
severe mental disability residing in a residential facility 458  
licensed under section 5119.34 of the Revised Code. If the 459  
investigation substantiates the charge of abuse or neglect, the 460  
board shall take whatever action it determines is necessary to 461  
correct the situation, including notification of the appropriate 462  
authorities. Upon request, the board shall provide information 463  
about such investigations to the department. 464

(3) For the purpose of section 5119.36 of the Revised 465  
Code, cooperate with the director of mental health and addiction 466  
services in visiting and evaluating whether the certifiable 467



services and supports of a community addiction services provider 468  
or community mental health services provider satisfy the 469  
certification standards established by rules adopted under that 470  
section~~7~~. In addition, a board shall provide input and 471  
recommendations to the department when an application for 472  
certification or the renewal of a certification has been 473  
submitted by a provider or when a provider is being investigated 474  
by the department, if the board, in either of those 475  
circumstances, is aware of information that would be beneficial 476  
to the department's consideration of the matter. 477

(4) In accordance with criteria established under division 478  
(D) of section 5119.22 of the Revised Code, conduct program 479  
audits that review and evaluate the quality, effectiveness, and 480  
efficiency of addiction services, mental health services, and 481  
recovery supports provided by community addiction services 482  
providers and community mental health services providers under 483  
contract with the board and submit the board's findings and 484  
recommendations to the department of mental health and addiction 485  
services; 486

(5) In accordance with section 5119.34 of the Revised 487  
Code, review an application for a residential facility license 488  
and provide to the department of mental health and addiction 489  
services any information about the applicant or facility that 490  
the board would like the department to consider in reviewing the 491  
application; 492

(6) Audit, in accordance with rules adopted by the auditor 493  
of state pursuant to section 117.20 of the Revised Code, at 494  
least annually all programs, addiction services, mental health 495  
services, and recovery supports provided under contract with the 496  
board. In so doing, the board may contract for or employ the 497

services of private auditors. A copy of the fiscal audit report 498  
shall be provided to the director of mental health and addiction 499  
services, the auditor of state, and the county auditor of each 500  
county in the board's district. 501

(7) Recruit and promote local financial support for 502  
addiction services, mental health services, and recovery 503  
supports from private and public sources; 504

(8) In accordance with guidelines issued by the department 505  
as necessary to comply with state and federal laws pertaining to 506  
financial assistance, approve fee schedules and related charges 507  
or adopt a unit cost schedule or other methods of payment for 508  
addiction services, mental health services, and recovery 509  
supports provided by community addiction services providers and 510  
community mental health services providers that have contracted 511  
with the board under section 340.036 of the Revised Code; 512

(9) Submit to the director and the county commissioners of 513  
the county or counties served by the board, and make available 514  
to the public, an annual report of the addiction services, 515  
mental health services, and recovery supports under the 516  
jurisdiction of the board, including a fiscal accounting; 517

(10) Establish a method for evaluating referrals for 518  
court-ordered treatment and affidavits filed pursuant to section 519  
5122.11 of the Revised Code in order to assist the probate 520  
division of the court of common pleas in determining whether 521  
there is probable cause that a respondent is subject to court- 522  
ordered treatment and whether alternatives to hospitalization 523  
are available and appropriate; 524

(11) Designate the treatment services, provider, facility, 525  
or other placement for each person involuntarily committed to 526

the board pursuant to Chapter 5122. of the Revised Code. The 527  
board shall provide the least restrictive and most appropriate 528  
alternative that is available for any person involuntarily 529  
committed to it and shall assure that the list of addiction 530  
services, mental health services, and recovery supports 531  
submitted and approved in accordance with division (B) of 532  
section 340.08 of the Revised Code are available to persons with 533  
severe mental disabilities residing within its service district. 534  
The board shall establish the procedure for authorizing payment 535  
for the services and supports, which may include prior 536  
authorization in appropriate circumstances. In accordance with 537  
section 340.037 of the Revised Code, the board may provide 538  
addiction services and mental health services directly to a 539  
person with a severe mental disability when life or safety is 540  
endangered and when no community addiction services provider or 541  
community mental health services provider is available to 542  
provide the service. 543

(12) Ensure that housing built, subsidized, renovated, 544  
rented, owned, or leased by the board or a community addiction 545  
services provider or community mental health services provider 546  
has been approved as meeting minimum fire safety standards and 547  
that persons residing in the housing have access to appropriate 548  
and necessary services, including culturally relevant services, 549  
from a community addiction services provider or community mental 550  
health services provider. This division does not apply to 551  
residential facilities licensed pursuant to section 5119.34 of 552  
the Revised Code. 553

(13) Establish a mechanism for obtaining advice and 554  
involvement of persons receiving addiction services, mental 555  
health services, or recovery supports on matters pertaining to 556  
services and supports in the alcohol, drug addiction, and mental 557

health service district; 558

(14) Perform the duties required by rules adopted under 559  
section 5119.22 of the Revised Code regarding referrals by the 560  
board or community mental health services providers under 561  
contract with the board of individuals with mental illness or 562  
severe mental disability to class two residential facilities 563  
licensed under section 5119.34 of the Revised Code and effective 564  
arrangements for ongoing mental health services for the 565  
individuals. The board is accountable in the manner specified in 566  
the rules for ensuring that the ongoing mental health services 567  
are effectively arranged for the individuals. 568

(B) Each board of alcohol, drug addiction, and mental 569  
health services shall establish such rules, operating 570  
procedures, standards, and bylaws, and perform such other duties 571  
as may be necessary or proper to carry out the purposes of this 572  
chapter. 573

(C) A board of alcohol, drug addiction, and mental health 574  
services may receive by gift, grant, devise, or bequest any 575  
moneys, lands, or property for the benefit of the purposes for 576  
which the board is established, and may hold and apply it 577  
according to the terms of the gift, grant, or bequest. All money 578  
received, including accrued interest, by gift, grant, or bequest 579  
shall be deposited in the treasury of the county, the treasurer 580  
of which is custodian of the alcohol, drug addiction, and mental 581  
health services funds to the credit of the board and shall be 582  
available for use by the board for purposes stated by the donor 583  
or grantor. 584

(D) No member or employee of a board of alcohol, drug 585  
addiction, and mental health services shall be liable for injury 586  
or damages caused by any action or inaction taken within the 587

scope of the member's official duties or the employee's 588  
employment, whether or not such action or inaction is expressly 589  
authorized by this section or any other section of the Revised 590  
Code, unless such action or inaction constitutes willful or 591  
wanton misconduct. Chapter 2744. of the Revised Code applies to 592  
any action or inaction by a member or employee of a board taken 593  
within the scope of the member's official duties or employee's 594  
employment. For the purposes of this division, the conduct of a 595  
member or employee shall not be considered willful or wanton 596  
misconduct if the member or employee acted in good faith and in 597  
a manner that the member or employee reasonably believed was in 598  
or was not opposed to the best interests of the board and, with 599  
respect to any criminal action or proceeding, had no reasonable 600  
cause to believe the conduct was unlawful. 601

(E) The meetings held by any committee established by a 602  
board of alcohol, drug addiction, and mental health services 603  
shall be considered to be meetings of a public body subject to 604  
section 121.22 of the Revised Code. 605

(F) (1) A board of alcohol, drug addiction, and mental 606  
health services may establish a rule, operating procedure, 607  
standard, or bylaw to allow the executive director of the board 608  
to execute both of the following types of contracts valued at 609  
twenty-five thousand dollars or less, as determined by the 610  
board, on behalf of the board without the board's prior 611  
approval: 612

(a) Emergency contracts for clinical services or recovery 613  
support services; 614

(b) Standard service contracts pertaining to the board's 615  
operations. 616

(2) If a board establishes a rule, operating procedure, 617  
standard, or bylaw under division (F)(1) of this section, both 618  
of the following shall be the case: 619

(a) The board shall define the scope of contracts 620  
described in divisions (F)(1)(a) and (b) of this section in that 621  
rule, operating procedure, standard, or bylaw. 622

(b) The board shall disclose the existence of a contract 623  
executed pursuant to the rule, operating procedure, standard, or 624  
bylaw at the first board meeting that occurs after the contract 625  
was executed and ensure that a record of that disclosure is 626  
included in the written minutes of that meeting. 627

**Sec. 340.032.** Subject to rules adopted by the director of 628  
mental health and addiction services after consultation with 629  
relevant constituencies as required by division (A)(10) of 630  
section 5119.21 of the Revised Code, each board of alcohol, drug 631  
addiction, and mental health services shall do all of the 632  
following: 633

(A) Establish, to the extent resources are available, a 634  
community-based continuum of care that includes all of the 635  
following as essential elements: 636

(1) Prevention and wellness management services; 637

(2) At least both of the following outreach and engagement 638  
activities: 639

(a) Locating persons in need of addiction services and 640  
persons in need of mental health services to inform them of 641  
available addiction services, mental health services, and 642  
recovery supports; 643

(b) Helping persons who receive addiction services and 644

persons who receive mental health services obtain services 645  
necessary to meet basic human needs for food, clothing, shelter, 646  
medical care, personal safety, and income. 647

(3) Assessment services; 648

(4) Care coordination; 649

(5) Residential services; 650

(6) At least the following outpatient services: 651

(a) Nonintensive; 652

(b) Intensive, such as partial hospitalization and 653  
assertive community treatment; 654

(c) Withdrawal management; 655

(d) Emergency and crisis. 656

(7) Where appropriate, at least the following inpatient 657  
services: 658

(a) Psychiatric care; 659

(b) Medically managed alcohol or drug treatment. 660

(8) At least all of the following recovery supports: 661

(a) Peer support; 662

(b) A wide range of housing and support services, 663  
including recovery housing residences; 664

(c) Employment, vocational, and educational opportunities; 665

(d) Assistance with social, personal, and living skills; 666

(e) Multiple paths to recovery such as twelve-step 667  
approaches and parent advocacy connection; 668

(f) Support, assistance, consultation, and education for 669  
families, friends, and persons receiving addiction services, 670  
mental health services, and recovery supports. 671

(9) In accordance with section 340.033 of the Revised 672  
Code, an array of addiction services and recovery supports for 673  
all levels of opioid and co-occurring drug addiction; 674

(10) Any additional elements the department of mental 675  
health and addiction services, pursuant to section 5119.21 of 676  
the Revised Code, determines are necessary to establish the 677  
community-based continuum of care. 678

(B) Ensure that the rights of persons receiving any 679  
elements of the community-based continuum of care are protected; 680

(C) Ensure that persons receiving any elements of the 681  
community-based continuum of care are able to utilize grievance 682  
procedures applicable to the elements. 683

**Sec. 340.033.** The array of addiction services and recovery 684  
supports for all levels of opioid and co-occurring drug 685  
addiction required by section 340.032 of the Revised Code to be 686  
included in a community-based continuum of care established 687  
under that section shall include at least ambulatory and sub- 688  
acute detoxification, non-intensive and intensive outpatient 689  
services, medication-assisted treatment, peer support, 690  
residential services, recovery housing residences pursuant to 691  
section 340.034 of the Revised Code, and multiple paths to 692  
recovery such as twelve-step approaches. The services and 693  
supports shall be made available in the service district of each 694  
board of alcohol, drug addiction, and mental health services, 695  
except as provided by either of the following: 696

(A) Sub-acute detoxification and residential services may 697



be made available through a contract with one or more providers 698  
of sub-acute detoxification or residential services located in 699  
other service districts. 700

(B) To the extent authorized by a time-limited waiver 701  
issued under section 5119.221 of the Revised Code, ambulatory 702  
detoxification and medication-assisted treatment may be made 703  
available through a contract with one or more community 704  
addiction services providers located not more than thirty miles 705  
beyond the borders of the board's service district. 706

The services and supports shall be made available in a 707  
manner that ensures that recipients are able to access the 708  
services and supports they need for opioid and co-occurring drug 709  
addiction in an integrated manner and in accordance with their 710  
assessed needs when changing or obtaining additional addiction 711  
services or recovery supports for such addiction. An individual 712  
seeking a service or support for opioid and co-occurring drug 713  
addiction included in a community-based continuum of care shall 714  
not be denied the service or support on the basis of the 715  
individual's prior experience with the service or support. 716

**Sec. 340.034.** All of the following apply to ~~the~~ recovery 717  
housing residences required by section 340.033 of the Revised 718  
Code to be part of included opioid and co-occurring drug 719  
addiction services and recovery supports: 720

(A) ~~The~~ A recovery housing residence shall comply with the 721  
requirements of being monitored by the department of mental 722  
health and addiction services under sections 5119.39 to 5119.396 723  
of the Revised Code and any rules adopted under section 5119.397 724  
of the Revised Code, but the residence is not ~~be~~ subject to 725  
residential facility licensure by the department of mental 726  
~~health and addiction services~~ under section 5119.34 of the 727

Revised Code. 728

(B) ~~The recovery housing shall not be subject to~~ 729  
~~certification as a recovery support under section 5119.36 of the~~ 730  
~~Revised Code.~~ 731

~~(C) The~~ A recovery housing residence shall not be ~~owned~~ 732  
~~and~~ operated by a board of alcohol, drug addiction, and mental 733  
health services unless any of the following applies: 734

(1) The board ~~owns and operates~~ operated the recovery 735  
housing residence on July 1, 2017. 736

(2) The board utilizes local funds in the development, ~~7~~ 737  
~~purchase,~~ or operation of the recovery housing residence. 738

(3) The board determines that there is a need for the 739  
board to assume ~~the ownership and~~ operation of the recovery 740  
housing residence, such as when an existing ~~owner and~~ operator 741  
of the ~~recovery housing residence~~ goes out of business, ~~7~~ and the 742  
board considers the assumption of ~~ownership and~~ operation of the 743  
~~recovery housing residence~~ to be in the best interest of the 744  
community. 745

~~(D) The~~ (C) A recovery housing residence shall have 746  
protocols for all of the following: 747

(1) Administrative oversight; 748

(2) Quality standards; 749

(3) Policies and procedures, including house rules, for 750  
its residents to which the residents must agree to adhere. 751

~~(E) (D)~~ Family members of ~~the a resident of a~~ recovery 752  
~~housing's residents housing residence~~ may reside in the ~~recovery~~ 753  
~~housing residence~~ to the extent permitted by protocols of the 754

~~recovery housing's protocols permit~~residence.

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~~(F) The~~ (E) A recovery housing residence shall not limit a  
resident's duration of stay to an arbitrary or fixed amount of  
time. Instead, each resident's duration of stay shall be  
determined by the resident's needs, progress, and willingness to  
abide by the ~~recovery housing's residence's~~ protocols, in  
collaboration with the ~~recovery housing's owner and residence's~~  
operator, and, if appropriate, in consultation and integration  
with a community addiction services provider.

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~~(G) The~~ (F) A recovery housing residence may permit its  
residents to receive medication-assisted treatment.

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~~(H) (G) A resident of a recovery housing resident~~  
residence may receive addiction services that are certified by  
the department ~~of mental health and addiction services~~ under  
section 5119.36 of the Revised Code.

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**Sec. 340.035.** (A) A board of alcohol, drug addiction, and  
mental health services may advocate on behalf of medicaid  
recipients enrolled in medicaid managed care organizations and  
medicaid-eligible individuals, any of whom have been identified  
as needing addiction or mental health services.

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(B) The department of mental health and addiction services  
and the department of medicaid shall, not later than December  
31, 2024, develop and implement standards and procedures for the  
exchange of medicaid recipient information, as defined in  
section 5160.45 of the Revised Code, between boards of alcohol,  
drug addiction, and mental health services and the department of  
medicaid. The information shall be exchanged for the following  
purposes: to coordinate public benefits; to improve the  
management and administration of medicaid and other publicly

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funded programs offering addiction or mental health services; 784  
and to ensure that the essential elements of a board's continuum 785  
of care are available, as appropriate, to persons seeking or 786  
receiving addiction or mental health services. 787

**Sec. 340.036.** (A) Subject to division (B) of this section 788  
and rules adopted by the director of mental health and addiction 789  
services after consultation with relevant constituencies as 790  
required by division (A) (10) of section 5119.21 of the Revised 791  
Code, each board of alcohol, drug addiction, and mental health 792  
services shall enter into contracts with all of the following: 793

(1) Public and private facilities for the operation of 794  
facility services; 795

(2) Community addiction services providers for addiction 796  
services and recovery supports; 797

(3) Community mental health services providers for mental 798  
health services and recovery supports. 799

(B) No board shall do any of the following: 800

(1) Contract with a residential facility required to be 801  
licensed under section 5119.34 of the Revised Code unless the 802  
facility is so licensed; 803

(2) Contract with a community addiction services provider 804  
or community mental health services provider for certifiable 805  
services and supports unless the certifiable services and 806  
supports are certified under section 5119.36 of the Revised 807  
Code; 808

(3) Contract with a community addiction services provider 809  
or community mental health services provider for recovery 810  
supports that are required by the director to meet quality 811

criteria or core competencies unless the recovery supports meet 812  
the criteria or competencies. 813

(C) When a board contracts with a community addiction 814  
services provider or community mental health services provider 815  
for addiction services, mental health services, or recovery 816  
supports, all of the following apply: 817

(1) The board shall consider both of the following: 818

(a) The cost effectiveness and quality of the provider's 819  
services and supports; 820

(b) Continuity of care. 821

(2) The board may review cost elements, including salary 822  
costs, of the services and supports. 823

(3) The board may establish, in a way that is most 824  
effective and efficient in meeting local needs, a utilization 825  
review process as part of the contract. 826

~~(D) If a party to a contract entered into under this 827  
section proposes not to renew the contract or proposes 828  
substantial changes in contract terms, the other party shall be 829  
given written notice at least one hundred twenty days before the 830  
expiration date of the contract. During the first sixty days of 831  
this one hundred twenty day period, both parties shall attempt 832  
to resolve any dispute through good faith collaboration and 833  
negotiation in order to continue to provide services and 834  
supports to persons in need. If the dispute has not been 835  
resolved sixty days before the expiration date of the contract, 836  
either party may notify the director of the unresolved dispute. 837  
The director may require both parties to submit the dispute to 838  
another entity with the cost to be shared by the parties. Not 839  
later than twenty days before the expiration date of the 840~~

~~contract or a later date to which both parties agree, the other~~ 841  
~~entity shall issue to the parties and director recommendations~~ 842  
~~on how the dispute may be resolved. The director shall adopt~~ 843  
~~rules establishing the procedures of this dispute resolution~~ 844  
~~process.~~(4) The terms of the contract shall include a process by 845  
which the board may terminate the contract before it is 846  
scheduled to expire, for any cause the board considers necessary 847  
for the early termination of the contract, and a process by 848  
which a provider may appeal the board's decision regarding the 849  
early termination. 850

~~(E)~~ (D) Section 307.86 of the Revised Code does not apply 851  
to contracts entered into under this section, but a board of 852  
alcohol, drug addiction, and mental health services may elect to 853  
establish and use a process for selecting and entering into 854  
contracts on a competitive basis or any other basis the board 855  
considers appropriate. 856

**Sec. 340.04.** Each board of alcohol, drug addiction, and 857  
mental health services shall employ a qualified mental health or 858  
addiction services professional with experience in 859  
administration or a professional administrator with experience 860  
in mental health services or addiction services to serve as 861  
executive director of the board and shall prescribe the 862  
director's duties. 863

The board shall fix the compensation of the executive 864  
director. In addition to such compensation, the director shall 865  
be reimbursed for actual and necessary expenses incurred in the 866  
performance of the director's official duties. The board, by 867  
majority vote of the full membership, may remove the director 868  
for cause at any time, contingent upon any written contract 869  
between the board and the executive director, upon written 870

charges, after an opportunity has been afforded the director for 871  
a hearing before the board on request. 872

The board may delegate to its executive director the 873  
authority to act in its behalf in the performance of its 874  
administrative duties. 875

As used in this section, "mental health professional" and 876  
"addiction services professional" mean an individual who is 877  
qualified to work with persons with mental illnesses or persons 878  
receiving addiction services, pursuant to standards established 879  
by the director of mental health and addiction services under 880  
Chapter 5119. of the Revised Code. 881

**Sec. 340.30.** (A) There is hereby created the county hub 882  
program to combat opioid addiction. The purposes of the program 883  
are as follows: 884

(1) To strengthen county and community efforts to prevent 885  
and treat opioid addiction; 886

(2) To educate youth and adults about the dangers of 887  
opioid addiction and the negative effects it has on society; 888

(3) To promote family building and workforce development 889  
as ways of ~~combating~~ combating opioid addiction in communities; 890

(4) To encourage community engagement in efforts to 891  
address the purposes specified in divisions (A)(1) to (3) of 892  
this section. 893

(B) The program shall be administered by each board of 894  
alcohol, drug addiction, and mental health services. If the 895  
service district a board represents consists of more than one 896  
county, the board shall administer the program in each county. 897

~~(C) Not later than January 1, 2020, each board shall~~ 898

~~submit a report to the department of mental health and addiction-~~ 899  
~~services summarizing the board's work on, and progress toward,~~ 900  
~~addressing each of the program's purposes. The department shall~~ 901  
~~aggregate the reports received from the boards and submit a~~ 902  
~~statewide report to the governor and general assembly. The copy~~ 903  
~~submitted to the general assembly shall be submitted in~~ 904  
~~accordance with section 101.68 of the Revised Code.~~ 905

**Sec. 5119.01.** (A) As used in this chapter: 906

(1) "Addiction" means the chronic and habitual use of 907  
alcoholic beverages, the use of a drug of abuse as defined in 908  
section 3719.011 of the Revised Code, or the use of gambling by 909  
an individual to the extent that the individual no longer can 910  
control the individual's use of alcohol, the individual becomes 911  
physically or psychologically dependent on the drug, the 912  
individual's use of alcohol or drugs endangers the health, 913  
safety, or welfare of the individual or others, or the 914  
individual's gambling causes psychological, financial, 915  
emotional, marital, legal, or other difficulties endangering the 916  
health, safety, or welfare of the individual or others. 917

(2) "Addiction services" means services, including 918  
intervention, for the treatment of persons with alcohol, drug, 919  
or gambling addictions, and for the prevention of such 920  
addictions. 921

(3) "Alcohol and drug addiction services" means services, 922  
including intervention, for the treatment of persons with 923  
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 924  
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 925  
and drug addiction. 926

(4) ~~"Alcoholism"~~ "Alcohol use disorder" means ~~the chronic~~ 927



~~and habitual use of alcoholic beverages by an individual to the~~ 928  
~~extent that the individual no longer can a medical condition~~ 929  
~~characterized by an individual's impaired ability to stop or~~ 930  
control the individual's ~~use of alcohol or endangers the use~~ 931  
~~despite adverse social, occupational, or health, safety, or~~ 932  
~~welfare of the individual or others~~ consequences. An alcohol use 933  
disorder may be classified as mild, moderate, or severe. 934

(5) "Certifiable services and supports" means all of the 935  
following: 936

(a) Alcohol and drug addiction services; 937

(b) Mental health services; 938

(c) The types of recovery supports that are specified in 939  
rules adopted under section 5119.36 of the Revised Code as 940  
requiring certification under that section. 941

(6) "Community addiction services provider" means an 942  
agency, association, corporation or other legal entity, 943  
individual, or program that provides one or more of the 944  
following: 945

(a) Alcohol and drug addiction services that are certified 946  
by the director of mental health and addiction services under 947  
section 5119.36 of the Revised Code; 948

(b) Gambling addiction services; 949

(c) Recovery supports that are related to alcohol and drug 950  
addiction services or gambling addiction services and paid for 951  
with federal, state, or local funds administered by the 952  
department of mental health and addiction services or a board of 953  
alcohol, drug addiction, and mental health services. 954

(7) "Community mental health services provider" means an 955

agency, association, corporation, individual, or program that 956  
provides either of the following: 957

(a) Mental health services that are certified by the 958  
director of mental health and addiction services under section 959  
5119.36 of the Revised Code; 960

(b) Recovery supports that are related to mental health 961  
services and paid for with federal, state, or local funds 962  
administered by the department of mental health and addiction 963  
services or a board of alcohol, drug addiction, and mental 964  
health services. 965

(8) "Drug addiction" means the use of a drug of abuse, as 966  
defined in section 3719.011 of the Revised Code, by an 967  
individual to the extent that the individual becomes physically 968  
or psychologically dependent on the drug or endangers the 969  
health, safety, or welfare of the individual or others. 970

(9) "Gambling addiction" means the use of gambling by an 971  
individual to the extent that it causes psychological, 972  
financial, emotional, marital, legal, or other difficulties 973  
endangering the health, safety, or welfare of the individual or 974  
others. 975

(10) "Gambling addiction services" means services for the 976  
treatment of persons who have a gambling addiction and for the 977  
prevention of gambling addiction. 978

(11) "Hospital" means a hospital or inpatient unit 979  
licensed by the department of mental health and addiction 980  
services under section 5119.33 of the Revised Code, and any 981  
institution, hospital, or other place established, controlled, 982  
or supervised by the department under ~~Chapter 5119. of the~~ 983  
~~Revised Code~~ this chapter. 984

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's

recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or 1014  
mental illness. "Recovery supports" does not mean alcohol and 1015  
drug addiction services or mental health services. 1016

~~(18) (a) "Residence"~~ (19) (a) "Residence," except when 1017  
referring to a recovery housing residence or the meaning of 1018  
"residence" in section 5119.90 of the Revised Code, means a 1019  
person's physical presence in a county with intent to remain 1020  
there, except in either of the following circumstances: 1021

(i) If a person is receiving a mental health treatment 1022  
service at a facility that includes nighttime sleeping 1023  
accommodations, "residence" means that county in which the 1024  
person maintained the person's primary place of residence at the 1025  
time the person entered the facility; 1026

(ii) If a person is committed pursuant to section 2945.38, 1027  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 1028  
"residence" means the county where the criminal charges were 1029  
filed. 1030

(b) When the residence of a person is disputed, the matter 1031  
of residence shall be referred to the department of mental 1032  
health and addiction services for investigation and 1033  
determination. Residence shall not be a basis for a board of 1034  
alcohol, drug addiction, and mental health services to deny 1035  
services to any person present in the board's service district, 1036  
and the board shall provide services for a person whose 1037  
residence is in dispute while residence is being determined and 1038  
for a person in an emergency situation. 1039

(B) Any reference in this chapter to a board of alcohol, 1040  
drug addiction, and mental health services also refers to an 1041  
alcohol and drug addiction services board or a community mental 1042

health board in a service district in which an alcohol and drug 1043  
addiction services board or a community mental health board has 1044  
been established under section 340.021 or former section 340.02 1045  
of the Revised Code. 1046

**Sec. 5119.36.** (A) A community mental health services 1047  
provider applicant or community addiction services provider 1048  
applicant that seeks initial certification of its certifiable 1049  
services and supports, or renewal of the certification of those 1050  
services and supports, shall submit an application to the 1051  
director of mental health and addiction services. On receipt of 1052  
the application, the director may conduct an on-site review and 1053  
shall evaluate the applicant to determine whether its 1054  
certifiable services and supports satisfy the standards 1055  
established by rules adopted under this section. The director 1056  
shall make the evaluation, and, if the director conducts an on- 1057  
site review of the applicant, may make—conduct the review, in 1058  
cooperation with a board of alcohol, drug addiction, and mental 1059  
health services that seeks to contract with the applicant under 1060  
section 340.036 of the Revised Code. 1061

Not later than fourteen days after receipt of an initial 1062  
or renewal application, the director shall provide a copy of the 1063  
applicant's application materials to the board of alcohol, drug 1064  
addiction, and mental health services serving the alcohol, drug 1065  
addiction, and mental health service district in which the 1066  
applicant's certifiable services and supports will be provided. 1067  
The board may respond to the director with any additional 1068  
information or concerns regarding the application, not later 1069  
than thirty days after receipt of the application materials. If 1070  
the board responds within the fourteen-day period with 1071  
significant concerns regarding the application, the director 1072  
shall meet with the board regarding the concerns. 1073

Not later than thirty days after a provider's 1074  
certification ceases to be valid for any reason, including the 1075  
provider's failure to renew the certification before it expired, 1076  
the director's acceptance of the provider's surrender of the 1077  
certification, or the issuance of a final order for disciplinary 1078  
action under division (C) or (H) of this section, the director 1079  
shall provide notice to the applicable board of alcohol, drug 1080  
addiction, and mental health services of the reason the 1081  
certification ceased to be valid and the date it became 1082  
effective. 1083

(B) Subject to section 5119.361 of the Revised Code, the 1084  
director shall determine whether the certifiable services and 1085  
supports of a community mental health services provider 1086  
applicant or community addiction services provider applicant 1087  
satisfy the standards for certification. If the director 1088  
determines that an applicant's certifiable services and supports 1089  
satisfy the standards for certification and the applicant has 1090  
paid the fee required by this section, the director shall 1091  
certify the certifiable services and supports. 1092

No community mental health services provider shall be 1093  
eligible to receive for its certifiable services and supports 1094  
any state funds, federal funds, or funds administered by a board 1095  
of alcohol, drug addiction, and mental health services, unless 1096  
those certifiable services and supports have been certified by 1097  
the director. 1098

No person or government entity subject to section 5119.35 1099  
of the Revised Code or any other community addiction services 1100  
provider shall be eligible to receive for its services described 1101  
in that section or its other certifiable services and supports 1102  
any state funds, federal funds, or funds administered by a board 1103

of alcohol, drug addiction, and mental health services, unless 1104  
those services or other certifiable services and supports have 1105  
been certified by the director. 1106

(C) The director may refuse to certify certifiable 1107  
services and supports, refuse to renew certification, or revoke 1108  
certification if any of the following apply to an applicant for 1109  
certification or the holder of the certification: 1110

(1) The applicant or holder is not in compliance with 1111  
rules adopted under this section. 1112

(2) The applicant or holder has been cited for a pattern 1113  
of serious noncompliance or repeated violations of statutes or 1114  
rules during the current certification period or any previous 1115  
certification period. 1116

(3) The applicant or holder has been found to be in 1117  
violation of section 5119.396 of the Revised Code. 1118

(4) The applicant or holder submits false or misleading 1119  
information as part of a certification application, renewal, or 1120  
investigation. 1121

(D) Proceedings initiated to deny applications to certify 1122  
certifiable services and supports, to refuse to renew 1123  
certification, or to revoke certification are governed by 1124  
Chapter 119. of the Revised Code. If an order has been issued 1125  
suspending admissions to a community addiction services provider 1126  
that provides overnight accommodations, as provided in division 1127  
(H) of this section, the order remains in effect during the 1128  
pendency of those proceedings. 1129

(E) If the director ~~determines that a community mental~~ 1130  
~~health services provider applicant's or a community addiction~~ 1131  
~~services provider applicant's certifiable services and supports~~ 1132

~~do not satisfy the standards for certification~~proposes to take 1133  
action under division (C) of this section, the director shall 1134  
notify the board of alcohol, drug addiction, and mental health 1135  
services serving the alcohol, drug addiction, and mental health 1136  
service district in which the certifiable services and supports 1137  
will be or were provided, and provide the board opportunity to 1138  
respond as specified in division (A) of this section with 1139  
respect to initial or renewal applications. 1140

When a final order is issued by the director under 1141  
division (C) of this section, the director may request that the 1142  
appropriate board of alcohol, drug addiction, and mental health 1143  
services reallocate any funds for the certifiable services and 1144  
supports the applicant was to provide to another community 1145  
mental health services provider or community addiction services 1146  
provider whose certifiable services and supports satisfy the 1147  
standards. If the board does not reallocate such funds in a 1148  
reasonable period of time, the director may withhold state and 1149  
federal funds for the certifiable services and supports and 1150  
allocate those funds directly to a community mental health 1151  
services provider or community addiction services provider whose 1152  
certifiable services and supports satisfy the standards. 1153

(F) Each community mental health services provider 1154  
applicant or community addiction services provider applicant 1155  
seeking certification of its certifiable services and supports 1156  
under this section shall pay a fee for the certification 1157  
required by this section, unless the applicant is exempt under 1158  
rules adopted under this section. Fees shall be paid into the 1159  
state treasury to the credit of the sale of goods and services 1160  
fund created pursuant to section 5119.45 of the Revised Code. 1161

(G) The director shall adopt rules in accordance with 1162



Chapter 119. of the Revised Code to implement this section. The 1163  
rules shall do all of the following: 1164

(1) Subject to section 340.034 of the Revised Code, 1165  
specify the types of recovery supports that are required to be 1166  
certified under this section; 1167

(2) Establish certification standards for certifiable 1168  
services and supports that are consistent with nationally 1169  
recognized applicable standards and facilitate participation in 1170  
federal assistance programs. The rules shall include as 1171  
certification standards only requirements that improve the 1172  
quality of certifiable services and supports or the health and 1173  
safety of persons receiving certifiable services and supports. 1174  
The standards shall address at a minimum all of the following: 1175

(a) Reporting major unusual incidents to the director; 1176

(b) Procedures for applicants for and persons receiving 1177  
certifiable services and supports to file grievances and 1178  
complaints; 1179

(c) Seclusion; 1180

(d) Restraint; 1181

(e) Requirements regarding the physical facilities in 1182  
which certifiable services and supports are provided; 1183

(f) Requirements with regard to health, safety, adequacy, 1184  
and cultural specificity and sensitivity; 1185

(g) Standards for evaluating certifiable services and 1186  
supports; 1187

(h) Standards and procedures for granting full, 1188  
probationary, and interim certification of the certifiable 1189

services and supports of a community mental health services 1190  
provider applicant or community addiction services provider 1191  
applicant; 1192

(i) Standards and procedures for revoking the 1193  
certification of a community mental health services provider's 1194  
or community addiction services provider's certifiable services 1195  
and supports that do not continue to meet the minimum standards 1196  
established pursuant to this section; 1197

(j) The limitations to be placed on a provider whose 1198  
certifiable services and supports are granted probationary or 1199  
interim certification; 1200

(k) Development of written policies addressing the rights 1201  
of persons receiving certifiable services and supports, 1202  
including all of the following: 1203

(i) The right to a copy of the written policies addressing 1204  
the rights of persons receiving certifiable services and 1205  
supports; 1206

(ii) The right at all times to be treated with 1207  
consideration and respect for the person's privacy and dignity; 1208

(iii) The right to have access to the person's own 1209  
psychiatric, medical, or other treatment records unless access 1210  
is specifically restricted in the person's treatment plan for 1211  
clear treatment reasons; 1212

(iv) The right to have a client rights officer provided by 1213  
the provider or board of alcohol, drug addiction, and mental 1214  
health services advise the person of the person's rights, 1215  
including the person's rights under Chapter 5122. of the Revised 1216  
Code if the person is committed to the provider or board. 1217

(3) Establish the process for certification of certifiable services and supports; 1218  
1219

(4) Set the amount of certification review fees; 1220

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 1221  
1222

(H) (1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 1223  
1224  
1225  
1226

(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 1227  
1228

(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 1229  
1230  
1231

(2) (a) Except as provided in division (H) (2) (b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 1232  
1233  
1234  
1235

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 1236  
1237  
1238  
1239  
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1244  
1245

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The provider may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five

days after the report is filed with the department. 1274

(f) Not later than five days after receiving the report 1275  
and recommendations, the provider may file objections with the 1276  
department. 1277

(g) Not later than fifteen days after the hearing examiner 1278  
files the report and recommendations, the department shall issue 1279  
an order approving, modifying, or disapproving the report and 1280  
recommendations. 1281

(h) Notwithstanding the pendency of the hearing, the 1282  
department shall lift the order for the suspension of admissions 1283  
if the department determines the violation that formed the basis 1284  
for the order has been corrected. 1285

(I) (1) In a proceeding initiated to suspend admissions to 1286  
a community addiction services provider that provides overnight 1287  
accommodations, to deny an application for certification of 1288  
certifiable services and supports, to refuse to renew 1289  
certification, or to revoke certification, the department may 1290  
order the suspension, denial, refusal, or revocation regardless 1291  
of whether some or all of the deficiencies that prompted the 1292  
proceedings have been corrected at the time of the hearing. 1293

(2) When the department issues an order suspending 1294  
admissions to a community addiction services provider that 1295  
provides overnight accommodations, denies an application for 1296  
certification of certifiable services and supports, refuses to 1297  
renew certification, or revokes a certification, the department 1298  
shall not grant an opportunity for submitting a plan of 1299  
correction. 1300

(J) The department of mental health and addiction services 1301  
shall maintain a current list of community addiction services 1302

providers and shall provide a copy of the list to a judge of a 1303  
court of common pleas who requests a copy for the use of the 1304  
judge under division (H) of section 2925.03 of the Revised Code. 1305  
The list shall identify each provider by its name, its address, 1306  
and the county in which it is located. 1307

(K) No person shall represent in any manner that a 1308  
community mental health services provider's or community 1309  
addiction services provider's certifiable services and supports 1310  
are certified by the director if the certifiable services and 1311  
supports are not so certified at the time the representation is 1312  
made. 1313

(L) If a board of alcohol, drug addiction, and mental 1314  
health services requests the department of mental health and 1315  
addiction services to investigate a community mental health 1316  
services provider or community addiction services provider 1317  
pursuant to this section, the department shall initiate the 1318  
investigation not later than ten business days after receipt of 1319  
the request. If the department initiates an investigation of a 1320  
community mental health services provider or community addiction 1321  
services provider under this section for any other reason, the 1322  
department shall notify the board of alcohol, drug addiction, 1323  
and mental health services serving the applicable alcohol, drug 1324  
addiction, and mental health service district of the 1325  
investigation and the reason not later than three business days 1326  
after the initiation. In either event, the department shall keep 1327  
the board updated on the status of the investigation, including 1328  
any final disposition of the investigation. 1329

**Sec. 5119.363.** The director of mental health and addiction 1330  
services shall adopt rules governing ~~the duties of boards of~~ 1331  
~~alcohol, drug addiction, and mental health services under~~ 1332

~~section 340.20 of the Revised Code and the duties of community~~ 1333  
~~addiction services providers under section 5119.362 of the~~ 1334  
~~Revised Code. The rules shall be adopted in accordance with~~ 1335  
~~Chapter 119. of the Revised Code.~~ 1336

The director shall adopt rules under this section that 1337  
authorize the department of mental health and addiction services 1338  
to determine an advanced practice registered nurse's, physician 1339  
assistant's, or physician's compliance with section 3719.064 of 1340  
the Revised Code if such practitioner works for a community 1341  
addiction services provider. 1342

Sec. 5119.39. (A) The department of mental health and 1343  
addiction services shall monitor the operation of recovery 1344  
housing in this state by doing either of the following: 1345

(1) Certifying recovery housing residences through a 1346  
process established by the department; 1347

(2) Accepting accreditation, or its equivalent for the 1348  
service of recovery housing, from one or more of the following: 1349

(a) The Ohio affiliate of the national alliance for 1350  
recovery residences; 1351

(b) Oxford house, inc.; 1352

(c) Any other organization that is designated by the 1353  
department for purposes of this section. 1354

(B) If the department certifies recovery housing 1355  
residences, the department shall, in rules adopted under section 1356  
5119.397 of the Revised Code, establish requirements for initial 1357  
certification and renewal certification, as well as grounds and 1358  
procedures for disciplinary action against operators of recovery 1359  
housing residences. 1360

Sec. 5119.391. (A) The department of mental health and 1361  
addiction services shall monitor the establishment of recovery 1362  
housing residences in this state. 1363

(B) For purposes of division (A) of this section, and 1364  
within the timeframe specified in division (C) of this section, 1365  
each person or government entity that will operate a recovery 1366  
housing residence on or after the effective date of this 1367  
section, including any recovery housing that was established and 1368  
in operation prior to the effective date of this section, shall 1369  
file with the department, on a form prescribed by the 1370  
department, all of the following information: 1371

(1) The name of the recovery housing residence and any 1372  
other name under which the residence does business; 1373

(2) The address of the recovery housing residence; 1374

(3) The name of the person or government entity operating 1375  
the residence; 1376

(4) The primary telephone number and electronic mail 1377  
address for the recovery housing operator; 1378

(5) The date the recovery housing residence was first 1379  
occupied, or will be occupied, by its first resident; 1380

(6) Information related to any existing accreditation or 1381  
its equivalent that the recovery housing residence has obtained 1382  
or is in the process of obtaining; 1383

(7) Any other information the department considers 1384  
appropriate. 1385

(C) The form required by division (B) of this section 1386  
shall be filed with the department as follows: 1387



(1) For a recovery housing residence that began operating 1388  
before the effective date of this section, not later than thirty 1389  
days after the effective date of this section; 1390

(2) For a recovery housing residence that will begin 1391  
operating on or after the effective date of this section, not 1392  
later than thirty days after the first resident begins occupying 1393  
the residence. 1394

(D) If the department accepts accreditation or its 1395  
equivalent from an organization specified in section 5119.39 of 1396  
the Revised Code, the department may provide copies of forms 1397  
filed in accordance with this section to any such organization. 1398

**Sec. 5119.392.** (A) Beginning January 1, 2025, no person or 1399  
government entity shall operate a recovery housing residence 1400  
unless either of the following applies: 1401

(1) (a) If the department of mental health and addiction 1402  
services certifies recovery housing residences, the recovery 1403  
housing residence is certified by the department. 1404

(b) If the department accepts accreditation or its 1405  
equivalent from an organization specified in section 5119.39 of 1406  
the Revised Code, the residence is accredited by such an 1407  
organization. 1408

(2) The recovery housing residence has been operating for 1409  
not more than eighteen months and is actively engaged in efforts 1410  
to obtain certification or accreditation, as applicable. For 1411  
purposes of identifying this eighteen-month timeframe, a 1412  
recovery housing residence is considered to begin operating on 1413  
the date that the first resident occupies the residence, as 1414  
specified on the form filed in accordance with section 5119.391 1415  
of the Revised Code. 1416

(B) If the director of mental health and addiction 1417  
services determines that a recovery housing residence is 1418  
operating in violation of this section, the director may 1419  
petition the court of common pleas of the county in which the 1420  
recovery housing residence is located for an order enjoining 1421  
operation of the recovery housing residence. 1422

**Sec. 5119.393.** (A) The department of mental health and 1423  
addiction services shall establish a procedure to receive and 1424  
investigate complaints from residents, staff, and the public 1425  
regarding recovery housing residences. The department may 1426  
contract with one or more of the organizations specified in 1427  
section 5119.39 of the Revised Code to fulfill some or all of 1428  
the functions associated with receiving and investigating 1429  
complaints. 1430

(B) Any organization under contract with the department to 1431  
receive and investigate complaints shall make reports to the 1432  
department as follows: 1433

(1) Not less than monthly, the contractor shall report the 1434  
status of each pending investigation and shall report the 1435  
outcome of each investigation that has been completed since the 1436  
last report was made; 1437

(2) As soon as practicable, but not less than ten days 1438  
after making an adverse decision, if a contractor's 1439  
accreditation or its equivalent is accepted by the department 1440  
for purposes of section 5119.39 of the Revised Code, the 1441  
contractor shall report that decision to the department in a 1442  
manner prescribed by the department. 1443

**Sec. 5119.394.** (A) The department of mental health and 1444  
addiction services shall establish and maintain a registry of 1445

recovery housing residences that meet the criteria described in 1446  
division (A) (1) or (2) of section 5119.392 of the Revised Code. 1447  
For each residence, the registry shall include all of the 1448  
following: 1449

(1) Information on the form required by division (B) of 1450  
section 5119.391 of the Revised Code; 1451

(2) If a complaint received under section 5119.393 of the 1452  
Revised Code has been investigated, a description of the 1453  
complaint, the date the complaint was submitted to the 1454  
department or its contractor, and the outcome of the 1455  
investigation; 1456

(3) Any other information the department considers 1457  
appropriate. 1458

(B) The department shall immediately remove from the 1459  
registry a recovery housing residence that ceases to meet the 1460  
criteria described in division (A) (1) or (2) of section 5119.392 1461  
of the Revised Code, including if the criteria described in 1462  
those divisions ceases to be met because the residence has had 1463  
its certification or accreditation, as applicable, revoked or 1464  
not renewed. 1465

(C) The department shall make the registry available to 1466  
the public on the department's web site. 1467

**Sec. 5119.395.** Beginning January 1, 2025, no person or 1468  
government entity shall advertise or represent any residence or 1469  
other building to be a recovery housing residence, sober living 1470  
home, or any other alcohol and drug free housing for persons 1471  
recovering from alcohol use disorder or drug addiction unless 1472  
the residence or building meets either of the following 1473  
conditions: 1474

(A) The residence or building is on the registry 1475  
established and maintained under section 5119.394 of the Revised 1476  
Code. 1477

(B) The residence or building is regulated by the 1478  
department of rehabilitation and correction under section 1479  
2967.14 of the Revised Code. 1480

**Sec. 5119.396.** Beginning January 1, 2025, community 1481  
addiction services providers and community mental health 1482  
services providers shall not refer clients to a recovery housing 1483  
residence unless the residence is on the registry established 1484  
and maintained under section 5119.394 of the Revised Code on the 1485  
date that the referral is made. Community addiction services 1486  
providers and community mental health services providers shall 1487  
maintain records of all referrals made to recovery housing 1488  
residences. 1489

**Sec. 5119.397.** The director of mental health and addiction 1490  
services may adopt rules to implement sections 5119.39 to 1491  
5119.396 of the Revised Code. Any rules adopted under this 1492  
section shall be adopted in accordance with Chapter 119. of the 1493  
Revised Code. 1494

**Sec. 5119.48.** (A) The department of mental health and 1495  
addiction services shall create the all roads lead to home 1496  
program. The program shall include all of the following 1497  
initiatives: 1498

(1) A media campaign. As part of the campaign, the 1499  
department shall develop public service announcements and shall 1500  
make the announcements available to television and radio media 1501  
outlets. The announcements shall be made available beginning on 1502  
January 1, 2018, and at least twice annually, once between 1503

January and March of each year, and once in September of each 1504  
year as part of national recovery month. 1505

(2) A web site as described in division (C) of this 1506  
section; 1507

(3) A twenty-four-hour hotline, that is operated by a call 1508  
center, for the purpose of helping individuals access addiction 1509  
services. 1510

(B) The media campaign described in division (A) (1) of 1511  
this section shall do all of the following: 1512

(1) Include messages to reduce the stigma associated with 1513  
seeking help for drug addiction; 1514

(2) Provide directions for people who are in need of drug 1515  
addiction assistance to a web-based location that includes all 1516  
of the following: 1517

(a) Information on where to find help for drug addiction; 1518

(b) Information on intervention and referral options; 1519

(c) Contact information for county board drug addiction 1520  
assistance authorities. 1521

(3) Prioritize its efforts in media markets that have the 1522  
highest rates of drug overdose deaths in this state; 1523

(4) Utilize television and radio public service 1524  
announcements provided to media outlets, as well as internet 1525  
advertising models such as low-cost social media outlets. 1526

(C) Before January 1, 2018, the department shall create a 1527  
web site as described in division (A) (2) of this section that 1528  
offers all of the following components: 1529

(1) If reasonably available for use, an evidence-based 1530

self-reporting screening tool approved by the department's 1531  
medical director; 1532

(2) Community detoxification and withdrawal management 1533  
options and community treatment options; 1534

(3) A searchable database of certified substance abuse 1535  
providers organized by zip code; 1536

(4) Information on recovery supports, including recovery 1537  
housing residences; 1538

(5) Clinical information regarding what a person may 1539  
expect during detoxification, withdrawal, and treatment. 1540

(D) The department may contract with private vendors for 1541  
the creation and maintenance of the interactive web site 1542  
described in division (C) of this section. 1543

**Sec. 5119.61.** (A) The department of mental health and 1544  
addiction services shall collect and compile statistics and 1545  
other information on the care and treatment of persons with 1546  
mental disabilities, and the care, treatment, and rehabilitation 1547  
of persons with ~~alcoholism~~ alcohol use disorder, persons with 1548  
drug dependencies, persons in danger of drug dependence, and 1549  
persons with or in danger of developing a gambling addiction in 1550  
this state. The information shall include, without limitation, 1551  
information on the number of such persons, the type of drug 1552  
involved, if any, the type of care, treatment, or rehabilitation 1553  
prescribed or undertaken, and the success or failure of the 1554  
care, treatment, or rehabilitation. The department shall collect 1555  
information about addiction services, mental health services, 1556  
and recovery supports delivered and persons served as required 1557  
for reporting and evaluation relating to state and federal funds 1558  
expended for such purposes. 1559

(B) No community addiction services provider or community 1560  
mental health services provider shall fail to supply statistics 1561  
and other information within its knowledge and with respect to 1562  
its addiction services, mental health services, and recovery 1563  
supports upon request of the department. 1564

(C) Communications by a person seeking aid in good faith 1565  
for ~~alcoholism~~ alcohol use disorder or drug dependence are 1566  
confidential, and this section does not require the collection 1567  
or permit the disclosure of information which reveals or 1568  
comprises the identity of any person seeking aid. 1569

(D) Based on the information collected and compiled under 1570  
division (A) of this section, the department shall develop a 1571  
project to assess the outcomes of persons served by community 1572  
addiction services providers and community mental health 1573  
services providers that receive funds distributed by the 1574  
department. 1575

**Sec. 5119.90.** As used in sections 5119.90 to 5119.98 of 1576  
the Revised Code: 1577

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ 1578  
alcohol use disorder or drug addiction. 1579

(B) "Another drug" means a controlled substance as defined 1580  
in section 3719.01 of the Revised Code or a harmful intoxicant 1581  
as defined in section 2925.01 of the Revised Code. 1582

(C) "Board of alcohol, drug addiction, and mental health 1583  
services" means a board of alcohol, drug addiction, and mental 1584  
health services established under section 340.02 or 340.021 of 1585  
the Revised Code. 1586

(D) "Danger" or "threat of danger to self, family, or 1587  
others" means substantial physical harm or threat of substantial 1588

physical harm upon self, family, or others. 1589

(E) "Hospital" has the same meaning as in section 3701.01 1590  
or 3727.01 of the Revised Code but does not include either a 1591  
hospital operated by the department of mental health and 1592  
addiction services or an inpatient unit licensed by the 1593  
department. 1594

(F) "Intoxicated" means being under the influence of 1595  
alcohol, another drug, or both alcohol and another drug and, as 1596  
a result, having a significantly impaired ability to function. 1597

(G) "Petitioner" means a person who institutes a 1598  
proceeding under sections 5119.91 to 5119.98 of the Revised 1599  
Code. 1600

(H) "Probate court" means the probate division of the 1601  
court of common pleas. 1602

(I) "Qualified health professional" means a person that is 1603  
properly credentialed or licensed to conduct a drug and alcohol 1604  
assessment and diagnosis under Ohio law. 1605

(J) "Residence" means the legal residence of a person as 1606  
determined by applicable principles governing conflicts of law. 1607

(K) "Respondent" means a person alleged in a petition 1608  
filed or hearing under sections 5119.91 to 5119.98 of the 1609  
Revised Code to be a person who is experiencing alcohol and 1610  
other drug abuse and who may be ordered under those sections to 1611  
undergo treatment. 1612

(L) "Treatment" means services and programs for the care 1613  
and rehabilitation of intoxicated persons and persons 1614  
experiencing alcohol and other drug abuse. "Treatment" includes 1615  
residential treatment, a halfway house setting, and an intensive 1616



outpatient or outpatient level of care. 1617

**Sec. 5119.99.** (A) Whoever violates section 5119.333, \_\_ 1618  
division (A) of section 5119.392, or section 5119.395 of the 1619  
Revised Code is guilty of a misdemeanor of the first degree. 1620

(B) Whoever violates division (B) of section 5119.61 of 1621  
the Revised Code is guilty of a misdemeanor of the fourth 1622  
degree. 1623

(C) Whoever violates section 5119.27 or 5119.28, division 1624  
(A) of section 5119.35, division (K) of section 5119.36, or 1625  
division (A) (1) or (2) of section 5119.37 of the Revised Code is 1626  
guilty of a felony of the fifth degree. 1627

**Sec. 5160.45.** (A) As used in sections 5160.45 to 5160.481 1628  
of the Revised Code, "information" means all of the following: 1629

(1) Records, as defined in section 149.011 of the Revised 1630  
Code; 1631

(2) Any other documents in any format; 1632

(3) Data derived from records and documents that are 1633  
generated, acquired, or maintained by the department of 1634  
medicaid, a county department of job and family services, or an 1635  
entity performing duties on behalf of the department or a county 1636  
department. 1637

(B) Except as permitted by this section, division (B) of 1638  
section 340.035, section 5160.47, or rules authorized by section 1639  
5160.48 or 5160.481 of the Revised Code, or when required by 1640  
federal law, no person or government entity shall use or 1641  
disclose information regarding a medical assistance recipient 1642  
for any purpose not directly connected with the administration 1643  
of a medical assistance program. 1644

(C) Both of the following shall be considered to be 1645  
purposes directly connected with the administration of a medical 1646  
assistance program: 1647

(1) Treatment, payment, or other operations or activities 1648  
authorized by 42 C.F.R. Chapter IV; 1649

(2) Any administrative function or duty the department of 1650  
medicaid performs alone or jointly with a federal government 1651  
entity, another state government entity, or a local government 1652  
entity implementing a provision of federal law. 1653

(D) The department or a county department of job and 1654  
family services may disclose information regarding a medical 1655  
assistance recipient to any of the following: 1656

(1) The recipient or the recipient's authorized 1657  
representative; 1658

(2) The recipient's legal guardian in accordance with 1659  
division (C) of section 2111.13 of the Revised Code; 1660

(3) The attorney of the recipient, if the department or 1661  
county department has obtained authorization from the recipient 1662  
or the recipient's authorized representative or legal guardian 1663  
that meets all requirements of the Health Insurance Portability 1664  
and Accountability Act of 1996, 42 U.S.C. 1320d et seq., 1665  
regulations promulgated by the United States department of 1666  
health and human services to implement the act, section 5160.46 1667  
of the Revised Code, and any rules authorized by section 5160.48 1668  
of the Revised Code; 1669

(4) A health information or health records management 1670  
entity that has executed with the department a business 1671  
associate agreement required by 45 C.F.R 164.502(e) (2) and has 1672  
been authorized by the recipient or the recipient's authorized 1673

representative or legal guardian to receive the recipient's 1674  
electronic health records in accordance with rules authorized by 1675  
section 5160.48 of the Revised Code; 1676

(5) A court if pursuant to a written order of the court. 1677

(E) The department may receive from county departments of 1678  
job and family services information regarding any medical 1679  
assistance recipient for purposes of training and verifying the 1680  
accuracy of eligibility determinations for a medical assistance 1681  
program. The department may assemble information received under 1682  
this division into a report if the report is in a form specified 1683  
by the department. Information received and assembled into a 1684  
report under this division shall remain confidential and not be 1685  
subject to disclosure pursuant to section 149.43 or 1347.08 of 1686  
the Revised Code. 1687

(F) The department shall notify courts in this state 1688  
regarding its authority, under division (D) (5) of this section, 1689  
to disclose information regarding a medical assistance recipient 1690  
pursuant to a written court order. 1691

**Section 2.** That existing sections 340.01, 340.02, 340.022, 1692  
340.03, 340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 1693  
340.30, 5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 1694  
5119.99, and 5160.45 of the Revised Code are hereby repealed. 1695

**Section 3.** That sections 340.20 and 3720.041 of the 1696  
Revised Code are hereby repealed. 1697

**Section 4.** Section 340.036 of the Revised Code, as amended 1698  
by this act, applies to contracts entered into, modified, or 1699  
renewed on or after the effective date of this section. 1700