



Ohio Senate Community Revitalization Committee
Proponent Testimony on SB 105

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Chairman Johnson, Vice Chair Hoagland, Ranking Member Sykes, and members of the Senate Community Revitalization Committee, thank you for this opportunity to submit testimony in support of SB 105. My name is Scott Sylak. I am the Executive Director of the Mental Health and Recovery Services Board of Lucas County and President Elect of the Ohio Association of County Behavioral Health Authorities.

As President Elect of our state association I would like you to know that our membership has voted to support SB 105 as written. We have worked closely with the bill's sponsor and believe passing this legislation as written is in the best interest of the clients, families and the communities we serve. We believe its time for action.

All 50 Boards across the state want improved access, quality services and equitable outcomes for all clients. With increasing mental health needs for adults and youth, escalating suicides and persistent overdose deaths, all changes made in this legislation are long overdue. I believe passing this legislation will provide Boards the tools we need to construct and maintain a system of care that is responsive to the needs of our entire community.

As government entities, we are stewards of taxpayer dollars, your tax dollars, and this is a job we take very seriously. By virtue of our endorsement of SB 105, Boards are telling you what we need to do our jobs more effectively. In a sense, we are asking you to help us protect and better utilize tax dollars.

Passing SB 105 as written will improve Board and Agency operations by eliminating wasteful efforts like the Opiate Hub and Waitlist reporting requirements. It will improve the quality of Recovery Housing by requiring certification, while improving communication between OhioMHAS and the Boards regarding certification of all other providers within our communities. Those are important items, but in my opinion, passing SB 105 most importantly provides ADAMH Boards the ability to make contracting and procurement decisions based on local needs.

Specifically, the proposed changes to the contracting language would support the Board's ability to make decisions about the services they purchase based on a local assessment of systemic need. No other entity has that responsibility or the authority to perform these functions. The current language regarding the use of RFP's and 120-day notice content and process can inhibit critical decisions because it has become the source of litigation in several communities. As an example, my Board is currently involved in federal litigation related to the use of an RFP and the 120-day notice process, Of the many claims, the plaintiff is arguing they had a property right to a contract and are seeking monetary damages. Can you image the implications to other systems if they are successful?

To date, we have spent \$400,000 defending ourselves with an expectation that costs will rapidly increase as the case proceeds. Solidifying the Board's choice of procurement methods and eliminating the requirement of a 120-day notice is critical to progressing our local systems. It's helpful to note that no other governmental entities are legislatively required to provide 120-day notices. Passing SB 105 as written will help ensure funds are directed towards helping people, not law suits.

Finally, we are living in the information age. Acquiring comprehensive behavioral health data is key to proper coordination of benefits and local planning, purchasing, evaluation and monitoring. Access to Medicaid and OhioMHAS data is critical to those efforts. It's long been established that Boards are HIPAA covered entities. Passing SB 105 as written will provide Boards the data it needs to perform its statutory functions successfully.

I will end where I started, its time for action. I urge you to support SB 105 and help our communities meet local needs. Thank you for the opportunity to provide testimony today. Should you have any questions, I would be happy to answer them.