



**Ohio Senate Community Revitalization Committee**  
Proponent Testimony on Sub SB 105

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Chairman Landis, Vice-Chair Chavez, Ranking Member Sykes, and members of the Senate Community Revitalization Committee thank you for this opportunity to provide this testimony in support of Substitute 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 of the Ohio Association of County Behavioral Health Authorities.

As President of our state association I would like you to know that our membership has voted to support Substitute 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 individuals, families and the communities we serve. We believe the time for action is long overdue.

All 50 Boards across the state want improved access, quality services and equitable outcomes for all individuals that receive services. With increasing mental health needs for adults and youth, escalating suicides, persistent overdose death rates, limited hospital access for acutely mentally ill persons, all changes made in this legislation are steps in the right direction. 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 state supervised, locally implemented governmental entities, one of our most important responsibilities is to oversee taxpayer dollars. This oversight includes ensuring tax dollars are spent properly once allocated to an organization, and that those investments are properly aligned with emerging community priorities. By virtue of our endorsement of Substitute SB 105, Boards are telling you what we need to do our jobs

more efficiently and effectively. We are asking for your help so that we may better utilize and protect tax dollars.

While Substitute SB 105 contains many important provisions, none are more necessary than the provision that 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 purchasing decisions based on a local assessment of systemic need and without fear of litigation.

The current language regarding the use of RFP's and 120-day notice content and process inhibits critical decisions because it has become the source of litigation in several communities. As an example, my Board recently settled a federal lawsuit related to the use of an RFP and the 120-day notice process. What should be most concerning to you and all tax payers is, that in the face of protracted federal case, the potential for damages, and plaintiff legal fees, it was more cost effective to settle. In the end, our attorney fees to defend ourselves were just under \$1,000,000 and we provided \$2,500,000 to the plaintiff to settle the case. While some may consider this the cost of doing business, it doesn't and shouldn't have to be this way. In our case, change still occurred, but the cost to make that happen was \$3,500,000. I think we can agree that those funds would have been better used to provide critical behavioral health services.

Without changing the language in ORC 340.036, there is no reason to think other Board's won't be subjected to these same arguments when attempting to make changes based on community need. How many more millions will you allow to be lost? Solidifying the Board's choice of procurement methods and eliminating nebulous and outdated contract language that give rise to litigation is critical to progressing our local systems. No other governmental entities are subjected to this type of state mandated contract language. Passing Substitute SB 105 as written will help ensure funds are directed towards helping people, not lawsuits.

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 OhioMHAS data is critical to those efforts. Passing Substitute SB 105 as written will affirm the Boards' need for data and create a pathway for its reception.

I will end where I started, its time for action. I urge you to support Substitute 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.