

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 100

Senator Manning

A BILL

To amend sections 5122.04 and 5164.15 of the
Revised Code to authorize crisis assessments of
certain minors without parental consent and to
make an appropriation to support the employment
of licensed independent social workers at
educational service centers.

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

Section 1. That sections 5122.04 and 5164.15 of the
Revised Code be amended to read as follows:

Sec. 5122.04. (A) Upon the request of a minor fourteen
years of age or older, a mental health professional may provide
outpatient mental health services, excluding the use of
medication, without the consent or knowledge of the minor's
parent or guardian. Except as otherwise provided in this ~~section-~~
division, the minor's parent or guardian shall not be informed
of the services without the minor's consent unless the mental
health professional treating the minor determines that there is
a compelling need for disclosure based on a substantial
probability of harm to the minor or to other persons, and if the
minor is notified of the mental health professional's intent to

inform the minor's parent, or guardian. 20

~~(B)~~ Services provided to a minor pursuant to this ~~section~~ division shall be limited to not more than six sessions or thirty days of services, whichever occurs sooner. After the sixth session or thirty days of services, the mental health professional shall terminate the services or, with the consent of the minor, notify the parent, or guardian, to obtain consent to provide further outpatient services. 21
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~~(C)~~ The minor's parent or guardian shall not be liable for the costs of services which are received by a minor under this division ~~(A)~~. 28
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~~(D)~~ (B) (1) A mental health professional may provide a crisis assessment to a minor without the consent or knowledge of the minor's parent, legal guardian, or custodian if both of the following are the case: 31
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(a) The mental health professional believes that the minor may be suicidal or may pose a risk of physical harm to others or the mental health professional has received credible information from an adult supervising the minor that the minor may be suicidal or may pose a risk of physical harm to others. 35
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(b) The minor's parent, legal guardian, or custodian is not available to provide consent. 40
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(2) As soon as practicable after the crisis assessment, the mental health professional shall make a good faith effort to notify the minor's parent, legal guardian, or custodian that the assessment was provided. 42
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(C) The director of mental health and addiction services shall adopt rules identifying the types of mental health professionals who are permitted to provide outpatient mental 46
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health services under division (A) of this section and crisis 49
assessments under division (B) of this section. The rules shall 50
be adopted in accordance with Chapter 119. of the Revised Code. 51

(D) Nothing in this section relieves a mental health 52
professional from the obligations of section 2151.421 of the 53
Revised Code. 54

~~(E) As used in this section, "mental health professional"~~ 55
~~has the same meaning as in section 340.02 of the Revised Code.~~ 56

Sec. 5164.15. (A) As used in this section:~~—~~ 57

~~(1)~~ "Community~~—~~community mental health services provider 58
or facility" means a community mental health services provider 59
or facility that has its community mental health services 60
certified by the department of mental health and addiction 61
services under section 5119.36 of the Revised Code or by the 62
department of job and family services under section 5103.03 of 63
the Revised Code. 64

~~(2) "Mental health professional" means a person qualified~~ 65
~~to work with mentally ill persons under the standards~~ 66
~~established by the director of mental health and addiction~~ 67
~~services pursuant to section 5119.36 of the Revised Code.~~ 68

(B) The medicaid program may cover the following mental 69
health services when provided by community mental health 70
services providers or facilities: 71

(1) Outpatient mental health services, including, but not 72
limited to, preventive, diagnostic, therapeutic, rehabilitative, 73
and palliative interventions rendered to individuals in an 74
individual or group setting by a mental health professional in 75
accordance with a plan of treatment appropriately established, 76
monitored, and reviewed; 77

(2) Partial-hospitalization mental health services 78
rendered by persons directly supervised by a mental health 79
professional; 80

(3) Unscheduled, emergency mental health services of a 81
kind ordinarily provided to persons in crisis when rendered by 82
persons supervised by a mental health professional; 83

(4) Assertive community treatment and intensive home-based 84
mental health services. 85

(C) The department of medicaid shall enter into a separate 86
contract with the department of mental health and addiction 87
services under section 5162.35 of the Revised Code with regard 88
to the mental health services the medicaid program covers 89
pursuant to this section. As part of the terms of the contract, 90
the departments shall identify the types of mental health 91
professionals who are permitted to render or supervise the 92
services. 93

Section 2. That existing sections 5122.04 and 5164.15 of 94
the Revised Code are hereby repealed. 95

Section 3. All items in this act are hereby appropriated 96
as designated out of any moneys in the state treasury to the 97
credit of the designated fund. For all operating appropriations 98
made in this act, those in the first column are for fiscal year 99
2022 and those in the second column are for fiscal year 2023. 100
The operating appropriations made in this act are in addition to 101
any other operating appropriations made for the FY 2022-FY 2023 102
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Section 4. 104

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A	EDU DEPARTMENT OF EDUCATION				
B	General Revenue Fund				
C	GRF	200550	Foundation Funding	\$3,570,000	\$3,570,000
D	TOTAL GRF General Revenue Fund			\$3,570,000	\$3,570,000
E	TOTAL ALL BUDGET FUND GROUPS			\$3,570,000	\$3,570,000

FOUNDATION FUNDING 106

The foregoing appropriation item 200550, Foundation 107
 Funding, shall be used to distribute grants of \$70,000 each 108
 fiscal year to each educational service center to support the 109
 employment of a licensed independent social worker who may 110
 coordinate policy implementation and other services. 111

Section 5. Within the limits set forth in this act, the 112
 Director of Budget and Management shall establish accounts 113
 indicating the source and amount of funds for each appropriation 114
 made in this act, and shall determine the form and manner in 115
 which appropriation accounts shall be maintained. Expenditures 116
 from operating appropriations contained in this act shall be 117
 accounted for as though made in the main operating 118
 appropriations act of the 134th General Assembly. The operating 119
 appropriations made in this act are subject to all provisions of 120
 the main operating appropriations act of the 134th General 121
 Assembly that are generally applicable to such appropriations. 122