

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. S. B. No. 153**

**Senator Hoagland**

**Cosponsors: Senators Antonio, Blessing, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Kunze, Lang, Maharath, Manning, McColley, O'Brien, Peterson, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Thomas, Williams, Wilson, Yuko**

**A BILL**

To amend section 5902.09 of the Revised Code to  
expand the Electroencephalogram (EEG)  
Transcranial Magnetic Stimulation (TMS) Pilot  
Program and to make an appropriation. 1  
2  
3  
4

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

**Section 1.** That section 5902.09 of the Revised Code be  
amended to read as follows: 5  
6

**Sec. 5902.09.** (A) As used in this section, ~~"AMVETS" means~~  
~~the American Veterans of World War II (AMVETS), Department of~~  
~~Ohio.:~~ 7  
8  
9

"Electroencephalogram (EEG) combined transcranial magnetic  
stimulation" means treatment in which transcranial magnetic  
stimulation (TMS) frequency pulses are tuned to the patient's  
physiology and biometric data, at the time of each treatment,  
using a pre- and post-TMS EEG. 10  
11  
12  
13  
14

"First responder" has the meaning defined in section  
2903.01 of the Revised Code. 15  
16

"Law enforcement officer" has the meaning defined in 17  
section 9.69 of the Revised Code. 18

"Quality of life issues" means issues affecting human 19  
performance including but not limited to issues related to or 20  
resulting from problems with cognition and problems maintaining 21  
attention, concentration, or focus. 22

(B) The directors of veterans services and mental health 23  
and addiction services shall establish a pilot program to make 24  
electroencephalogram (EEG) combined transcranial magnetic 25  
stimulation available for veterans, first responders, and law 26  
enforcement officers with substance use disorders ~~or~~, mental 27  
illness, sleep disorders, traumatic brain injuries, sexual 28  
trauma, post traumatic stress disorder and accompanying 29  
comorbidities, concussions or other brain trauma, or other 30  
quality of life issues, and shall operate the program for three 31  
years. The program shall be operated in conjunction with a 32  
supplier selected under this section. 33

(C) The directors by mutual agreement shall choose a 34  
location for the pilot program and for up to ten branch sites, 35  
and shall enter into a contract for the purchase of services 36  
related to the pilot program. A branch site may be a mobile unit 37  
or an EEG combined neuromodulation portable unit if the 38  
directors determine that mobile units or EEG combined 39  
neuromodulation portable units are necessary to expand access to 40  
care. The contract shall include provisions requiring the 41  
supplier to create, ~~implement, operate~~ and conduct a clinical 42  
trial, and to establish and operate a clinical practice, to 43  
evaluate outcomes of the ~~pilot program~~ clinical trial and the 44  
clinical practice, to choose a location for the pilot program, 45  
to expend payments received from the state as needed for 46

purposes of the program, and to report quarterly regarding the 47  
pilot program to the president of the senate and to the standing 48  
committee of the senate that generally considers legislation 49  
regarding veterans affairs. 50

(D) There is the electroencephalogram (EEG) combined 51  
transcranial magnetic stimulation fund in the state treasury. It 52  
shall consist of moneys appropriated to it by the general 53  
assembly. The directors, with the approval of the controlling 54  
board, may authorize a disbursement from the fund for services 55  
rendered under the contract. 56

(E) One or both of the directors shall adopt rules under 57  
Chapter 119. of the Revised Code as necessary to administer this 58  
section, including ~~a~~ all of the following: 59

(1) A rule requiring adherence to United States food and 60  
drug administration regulations governing the conduct of 61  
clinical practice and clinical trials; 62

(2) A rule requiring that a peer-to-peer support network 63  
be established and made available by the supplier to any 64  
individual receiving treatment under the program; 65

(3) A rule establishing the program protocol will be to 66  
use adapted stimulation frequency and intensity modulation based 67  
on a daily EEG and motor threshold testing as well as clinical 68  
symptoms and signs, and biometrics; 69

(4) A rule requiring that each individual who receives 70  
treatment under the program also must receive pre- and post- 71  
neurophysiological monitoring, with EEG and autonomic nervous 72  
systems assessments, daily checklists of symptoms of alcohol, 73  
opioid, or other substance use, and weekly medical counseling 74  
and wellness programming, and also must participate in the peer- 75

to-peer support network established by the supplier; 76

(5) A rule requiring that ~~clinical~~ protocols and outcomes 77  
are of the clinical trial, and of any treatment provided by the 78  
clinical practice, must be collected and reported quarterly in a 79  
report provided by the supplier. ~~The~~ to the directors of 80  
veterans services and mental health and addiction services and 81  
to the United States food and drug administration; 82

(6) A rule requiring that any individual who receives 83  
treatment at the clinical practice be eligible for a minimum of 84  
two electroencephalograms during the course of the individual's 85  
treatment; 86

(7) A rule requiring that the report ~~shall also required~~ 87  
by this section include a thorough accounting of the use and 88  
expenditure of all funds received from the state under this 89  
section. 90

(F) Contracts entered into under this section are subject 91  
to section 9.231 and Chapter 125. of the Revised Code. 92

**Section 2.** That existing section 5902.09 of the Revised 93  
Code is hereby repealed. 94

**Section 3.** All items in this act are hereby appropriated 95  
as designated out of any moneys in the state treasury to the 96  
credit of the designated fund. For all operating appropriations 97  
made in this act, those in the first column are for fiscal year 98  
2022 and those in the second column are for fiscal year 2023. 99  
The operating appropriations made in this act are in addition to 100  
any other operating appropriations made for the FY 2022-FY 2023 101  
biennium. 102

**Section 4.** 103

104

	1	2	3	4	5
A	MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES				
B	General Revenue Fund				
C	GRF	336515	Transcranial Magnetic Stimulation Program	\$6,000,000	\$6,000,000
D	TOTAL GRF General Revenue Fund			\$6,000,000	\$6,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$6,000,000	\$6,000,000

TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 105

The foregoing appropriation item 336515, Transcranial 106  
Magnetic Stimulation Program, shall be used to expand the 107  
Electroencephalogram (EEG) Combined Transcranial Magnetic 108  
Stimulation Pilot Program established in section 5902.09 of the 109  
Revised Code. Funds shall be used to serve up to three hundred 110  
additional veterans and up to three hundred additional first 111  
responders and law enforcement officers through the Pilot 112  
Program. 113

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

the main operating appropriations act of the 134th General 123  
Assembly that are generally applicable to such appropriations. 124