

As Reported by the Senate Workforce and Higher Education Committee

134th General Assembly

Regular Session

2021-2022

Am. S. B. No. 153

Senator Hoagland

A BILL

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

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

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

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

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

"First responder" has the meaning defined in section 15
2903.01 of the Revised Code. 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 performance including but not limited to issues related to or resulting from problems with cognition and problems maintaining attention, concentration, or focus.

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

(C) The directors by mutual agreement shall choose a location for the pilot program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the pilot program. A branch site may be a mobile unit or an EEG combined neuromodulation portable unit if the directors determine that mobile units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create, implement, operate and conduct a clinical trial, and to establish and operate a clinical practice, to evaluate outcomes of the pilot program clinical trial and the clinical practice, to choose a location for the pilot program, to expend payments received from the state as needed for purposes of the program, and to report quarterly regarding the pilot program to the president of the senate and to the standing committee of the senate that generally considers legislation

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
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Section 4. 103

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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 Magnetic Stimulation Program, shall be used to expand the Electroencephalogram (EEG) Combined Transcranial Magnetic Stimulation Pilot Program established in section 5902.09 of the Revised Code. Funds shall be used to serve up to three hundred additional veterans and up to three hundred additional first responders and law enforcement officers through the Pilot Program. 106
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Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of the main operating appropriations act of the 134th General Assembly that are generally applicable to such appropriations. 114
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