

## Executive

## DMHCD26 Attorney General Representing Officers and Employees

R.C. 109.36, Section 812.10

Provides for the Attorney General, effective July 1, 2012, to represent in civil actions persons who, pursuant to an agreement with ODMH, render medical, nursing, dental, podiatric, optometric, physical therapeutic, psychiatric, or psychological services to patients in an institution ODMH operates.

**Fiscal effect: Potential increase in costs to the Attorney General.**

## DMHCD27 Restrictions on Serving on and Working for a Community Behavioral Health Board

R.C. 340.02

Eliminates certain restrictions for individuals that may serve as board members on community behavioral health boards and whom may be a board employee.

**Fiscal effect: None.**

## DMHCD20 Community Mental Health Plans

R.C. 340.03, 9.03, 340.01, 340.011, 340.04,  
340.05, 340.07, 340.08 (Repealed), 340.09,  
340.091, 2919.271, 3923.28, 3923.30,  
5119.01, 5119.06, 5119.07, 5119.22, 5119.61,  
5119.611, 5119.612, 5119.63, 5119.69,  
5119.70, 5122.01, 5122.231

Eliminates the requirement that a community behavioral health board annually obtain ODMH's approval of a community mental health plan as a condition of receiving state subsidies from ODMH.

Requires each board to implement a community mental health program for making community mental health services the board selects available in the board's district.

**Fiscal effect: None.**

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**DMHCD22            Community Behavioral Health Board Duties Regarding Hospitalization**

R.C.        *340.03, 5119.02, 5119.021, 5122.01, 5122.02, 5122.05, 5122.12, 5122.13, 5122.14, 5122.15, 5122.21, 5122.23, 5122.25, 5122.31, 5122.36 (Repealed), Sections 812.10, 812.40*

Transfers, effective July 1, 2012, various duties regarding mentally ill persons subject to hospitalization by a probate court from community behavioral health boards to ODMH.

**Fiscal effect: Potential decrease in costs of civil bed days utilized at state psychiatric hospitals.**

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**DMHCD28            Community Behavioral Health Boards Providing Services**

R.C.        *340.03, 3313.65, 3722.15, 3722.16*

Eliminates the authority of a community behavioral health board to operate a facility or provide a community mental health service under certain circumstances.

**Fiscal effect: None.**

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**DMHCD29            Community Behavioral Health Boards' Investigations of Complaints**

R.C.        *340.03*

Provides that a community behavioral health board is responsible for investigating, or requesting another board to investigate, an allegation of abuse or neglect concerning a person who receives community mental health services or residential facility services if the person receiving the services resides in the board's district.

Provides that ODMH is to receive information about investigations from community behavioral health boards without having to request it.

**Fiscal effect: Potential increase in costs to community behavioral health boards that do not currently have the staff capacity to investigate complaints.**

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DMHCD36            Commitment of Mentally Ill Criminal Defendants

R.C.            *2945.371, 2945.38, 2945.39, 2945.40,  
2945.401, 2945.402*

Requires the court to commit a mentally ill criminal defendant who is incompetent to stand trial or not guilty by reason of insanity to ODMH for an appropriate placement by ODMH for the defendant's treatment and evaluation and not directly to a facility.

Permits a prosecutor to hold charges against a defendant charged with a nonviolent misdemeanor in abeyance while the defendant engages in mental health treatment or developmental disability services.

**Fiscal effect: Potential decrease in costs of forensic bed days utilized at state psychiatric hospitals.**

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## DMHCD21            Payment for Mental Health Services Provided Under Medicaid

R.C.            *5111.023, 5111.025, 5111.911, 5119.912,  
5119.61, Sections 120.10 to 120.12*

Eliminates the requirement for ODMH to pay the nonfederal share of Medicaid payments to providers for services provided under a Medicaid component ODMH currently administers.

Requires community behavioral health boards to use their state subsidy funds from ODMH to pay the nonfederal share of Medicaid payments to providers of mental health services in FY 2012.

Eliminates the requirement that community behavioral health boards pay the nonfederal share of Medicaid payments to providers of mental health services effective July 1, 2012.

**Fiscal effect: The executive budget recommends funding of \$186.4 million (nonfederal share) through GRF appropriation item 335501, Mental Health Medicaid Match, in FY 2012 for the "elevation" of the financial responsibility for community mental health Medicaid to the state. Total funding (all funds) for community mental health Medicaid is \$532.6 million in FY 2012.**

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DMHCD31 Department of Mental Health's General Authority

R.C. 5119.012

Grants ODMH all the authority necessary to carry out its powers and duties under state law.

**Fiscal effect: None.**

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DMHCD32 Department of Mental Health's Contracts with Providers

R.C. 5119.013, 5119.06, 5119.18

Authorizes the ODMH Director to contract with agencies and institutions as necessary for ODMH to carry out its duties under state law with regard to community behavioral health boards, criminal offenses against the family, criminal trials, and mentally ill persons subject to hospitalization by court order.

Exempts contracts, entered into by ODMH with agencies and institutions, from state law governing the state's purchases of services.

**Fiscal effect: Potential reduction in costs if ODMH is able to contract with private providers at a lower cost than providing services in state psychiatric hospitals.**

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DMHCD33 ODMH Community Support System

R.C. 5119.06

Eliminates a requirement for ODMH to establish and support a program at the state level to promote a community support system to be available for every community behavioral health board district and requires, instead, that ODMH support, to the extent resources are available, a community support system on a district or multidistrict basis.

Eliminates a requirement that ODMH assist in identifying resources and coordinating the planning, evaluation, and delivery of services to facilitate a mentally ill person's access to public services.

Permits ODMH to prioritize support for the elements of a community support system.

Provides that ODMH's responsibility for promoting and supporting a full range of mental health services that are available and accessible to all Ohio residents applies to the extent resources are available.

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Eliminates a requirement that ODMH cooperate with community behavioral health boards when providing training on community-based mental health services to ODMH's employees who are utilized in state-operated, community-based mental health services.

**Fiscal effect: None.**

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**DMHCD34**      **Department of Mental Health's Medical Director**

**R.C.      5119.07**

Provides that the medical director or the medical director's designee is to advise the ODMH Director on matters relating to medical diagnosis, treatment, rehabilitation, and quality assurance.

Provides that the medical director's or designee's advisory role applies to all aspects of the licensure of hospitals and residential facilities, research, community mental health services, and delivery of mental health services rather than just the clinical aspects of those matters.

**Fiscal effect: None.**

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**DMHCD15**      **Department of Mental Health Trust Fund**

**R.C.      5119.18**

Provides that ODMH is to use money in ODMH's Trust Fund to pay for expenditures ODMH incurs in performing any of its duties under state law.

**Fiscal effect: None.**

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**DMHCD35**      **Community Mental Health Information System**

**R.C.      5119.61**

Provides that the requirement for the ODMH Director to develop and operate a community mental health information system or systems applies to the extent the Director determines necessary and permits the Director to contract for the operation of the system or systems.

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**Fiscal effect: Potential reduction in costs if the ODMH Director is able to contract for the operation of such a system at a lesser cost.**

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**DMHCD19            ODMH Allocations of Subsidies**

**R.C.            *5119.62, 340.011, 340.03, 340.08 (Repealed),  
340.11, 5119.61, 5119.621, 5119.622,  
5119.623, Section 337.20.60***

Maintains a requirement for ODMH to establish a methodology for allocating state mental health subsidies to community behavioral health boards but eliminates requirements applicable to the methodology and allocations.

Permits ODMH to allocate the state mental health subsidies on a district or multidistrict basis.

Permits the ODMH Director to allocate a portion of GRF appropriation item 334412, Hospital Services, to local boards in FY 2012, under certain restrictions.

Specifies that the Mental Health Risk Fund will continue to exist in the state treasury until it is no longer needed and that money in the fund must be used in accordance with guidelines developed by the ODMH Director and representatives of the boards.

**Fiscal effect: None.**

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**DMHCD24            Boards Using State Funds Against Unionization**

**R.C.            *5119.62***

Eliminates a prohibition against community behavioral health boards using state funds to discourage employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.

**Fiscal effect: Unknown at this time.**

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DMHCD30 Residential State Supplement

R.C. 5119.69, 173.14, 173.35, 340.091, 2903.33,  
3721.56, 3722.04, 5101.35, 5119.61,  
5119.691, 5119.692, Section 337.30.50

Transfers to ODMH from ODA the administration of the Residential State Supplement (RSS) Program.

Transfers the certification of adult foster homes to ODMH from ODA.

Permits ODMH to use GRF appropriation item 335506, Residential State Supplement, to: (1) provide training for adult care facilities serving residents with mental illness; (2) transfer cash to SSR Fund 5R20, Nursing Home Franchise Permit Fee Fund, used by ODJFS; and (3) make benefit payments to RSS recipients. Specifies criteria to be used for the RSS Program when determining whether a resident is eligible for payment and the monthly payment amounts residents are eligible to receive.

**Fiscal effect: New GRF line item 335506, Residential State Supplement, will be used to fund the RSS Program. The bill allows ODJFS to use dollars from the Nursing Home Franchise Permit Fee Fund (Fund 5R20), which is renamed by the bill, for the RSS Program. However, it is uncertain at this time whether any transfers from this fund to support the RSS Program will take place.**

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## DMHCD14      Adult Care Facilities

R.C.      *5119.70, 5119.701 to 5119.88, 5119.99; Conforming changes in 109.57, 109.572, 173.14, 173.21, 173.26, 173.35, 173.36, 173.42, 340.03, 340.05, 2317.02, 2317.422, 2903.33, 3313.65, 3701.07, 3701.74, 3721.01, 3721.02, 3722.99 (Repealed), 3737.83, 3737.841, 3781.183, 3791.043, 5101.60, 5101.61, 5111.113, 5119.22, 5119.61, 5119.613, 5119.99, 5123.19, 5701.13, and 5731.39; Section 337.30.80*

Transfers from ODH to ODMH responsibility for licensing adult care facilities and requires ODMH to adopt rules governing adult care facilities.

Specifies that inspections of adult care facilities may be conducted as desk audits or on-site inspections. Provides that if an inspection is conducted to investigate a violation in an adult care facility that serves residents receiving publicly funded mental health services or RSS Program payments, the bill permits the inspection to be coordinated with the appropriate community behavioral health board or RSS administrative agency.

Adds the right to be free from seclusion and mechanical restraint to the rights of an adult care facility resident and modifies the current definition of "physical restraint."

Removes residents' rights advocates from the list of individuals authorized to assert on behalf of adult care facility residents their statutory residents' rights. Eliminates the authority of residents' rights advocates and sponsors of residents or prospective residents to enter an adult care facility during reasonable hours.

If a court grants injunctive relief for operating an adult care facility without a license, requires the facility to assist in relocating residents rather than requiring the facility to assist residents' rights advocates in relocating facility residents as is the case in current law.

Specifies that certain government and mental health agency employees and the ODMH Director may release resident-identifying information from the records of an adult care facility, if authorized by law to do so.

Specifies that a license issued by the ODH Director to an adult care facility is deemed to be a license issued by the ODMH Director if that license is current and valid when the licensing program is transferred to ODMH.

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**Fiscal effect:** According to ODMH, about \$1.1 million in funding has been added in each year to GRF line item 333321, Central Administration, for ODMH to license and inspect adult care facilities.

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DMHCD18            Exchange of Confidential Health Information by ODMH-Licensed Hospitals

**R.C.        5122.31**

Authorizes hospitals licensed by ODMH to exchange with other health care providers a patient's psychiatric records and other pertinent information if the purpose of exchanging the confidential information is to facilitate the continuity of the patient's care.

**Fiscal effect: None.**

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DMHCD25            Qualified Immunity of Facilities and Agencies

**R.C.        5122.341**

Grants members of a board of directors and employees of a facility or agency in which ODMH places a person committed to ODMH qualified immunity for injury or damages the person suffers.

**Fiscal effect: If an injury occurs to a person at a facility or agency in which ODMH places a person committed to ODMH, reduced legal costs because of qualified immunity.**

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DMHCD1            Forensic Services

**Section:    337.10.10**

Requires that funds in GRF appropriation item 322401, Forensic Services, be used to provide psychiatric services to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by ODMH prior to conditional release to the community. Allows for a portion of the appropriation to be directed as follows:

- (1) allocated through community behavioral health boards to certified community agencies in accordance with a distribution methodology developed by the ODMH Director;
- (2) to provide forensic monitoring and tracking of individuals on conditional release and forensic training; and

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(3) to support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for non-violent mentally ill offenders, and to provide specialized re-entry services to offenders leaving prisons and jails.

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**DMHCD2          Residency Traineeship Programs****Section: 337.20.10**

Requires that GRF appropriation item 333402, Resident Trainees, be used to fund training agreements entered into by the ODMH Director for the development of curricula and the provision of training programs to support public mental health services.

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**DMHCD3          Pre-Admission Screening Expenses****Section: 337.20.20**

Requires that GRF appropriation item 333403, Pre-Admission Screening Expenses, be used to ensure that uniform statewide methods for pre-admission screening are in place for persons who have severe mental illness and are referred for long-term Medicaid-certified nursing facility placement. Specifies that pre-admission screening includes pre-admission assessment, consideration of continued stay requests, discharge planning and referral, and adjudication of appeals and grievance procedures.

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**DMHCD4          Lease Rental Payments****Section: 337.20.30**

Requires that ODMH use GRF appropriation item 333415, Lease Rental Payments, to pay the Ohio Public Facilities Commission pursuant to leases and agreements made under state law regarding capital facilities for mental health. Specifies that the appropriations in that appropriation item are the source of funds pledged for bond service charges on obligations issued for certain capital facilities.

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**Executive****DMHCD5 Hospital Services****Section: 337.20.50**

Requires that GRF appropriation item 334412, Hospital Services, be used for the operation of ODMH's state regional psychiatric hospitals, including civil and forensic commitment, treatment, and discharge, as determined by ODMH.

Specifies that a portion of the appropriation may be used to create, purchase, or contract for the custody, supervision, control, and treatment of individuals committed to ODMH in other clinically appropriate environments, consistent with public safety.

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**DMHCD7 Flexible Funding for Families and Children****Section: 337.30.10**

Permits any community behavioral health board that receives allocations from ODMH through GRF appropriation item 335405, Family & Children First, in collaboration with the county family and children first council, to transfer portions of those allocations to a flexible funding pool.

**Fiscal effect: May provide county councils with some financial flexibility to provide services to children and families.**

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**DMHCD8 Community Medication Subsidy****Section: 337.30.20**

Requires that GRF appropriation item 335419, Community Medication Subsidy, be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and subsidized support for methadone costs. Specifies that allocation to local boards may be in accordance with a distribution methodology determined by the ODMH Director.

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**DMHCD9            Mental Health Medicaid Match****Section: 337.30.30**

Requires that GRF appropriation item 335501, Mental Health Medicaid Match, be used by ODMH to make payments for mental health Medicaid Services in FY 2012 and specifies that the appropriation must be allocated to community behavioral health boards in accordance with a distribution methodology determined by the ODMH Director.

Specifies that all federal reimbursement for Medicaid services received by ODMH for claims filed in FY 2012 must be used by the boards as the first payment source to pay providers for claims with service dates in FY 2012.

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**DMHCD10            Local Mental Health Systems of Care****Section: 337.30.40**

Requires that GRF appropriation item 335505, Local Mental Health Systems of Care, be used by community behavioral health boards to purchase mental health services authorized by the ODMH Director.

**Fiscal effect: This line item is being used to consolidate the sources of state funding for community mental health services and has been increased over FY 2011 estimated expenditures to partially offset the proposed decrease and discontinuance of other line items. Given the executive recommendation, collectively, boards will receive about \$15 million less in FY 2012 than in FY 2011 to provide services for individuals not eligible for Medicaid.**

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**DMHCD12            Behavioral Health Medicaid Services****Section: 337.30.60**

Requires ODMH to administer specified Medicaid services as delegated by ODJFS in an interagency agreement and permits the use of SSR Fund 4X50 appropriation item 333607, Behavioral Health Medicaid Services, to make payments for free-standing psychiatric hospital inpatient services as defined in an interagency agreement with ODJFS.

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**Executive****DMHCD13      Family and Children First Flexible Funding Pool****Section: 337.30.70**

Permits a county family and children first council to create and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. Requires operation of the funding pool under specified restrictions.

**Fiscal effect: May provide county councils with some financial flexibility to provide services to children and families.**

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Medicaid

JFSCD29            ODJFS to Pay Medicaid Claims for Community Behavioral Health Services

R.C.            *5111.912, 5111.023, 5111.913, Sections  
120.10 to 120.12*

Makes ODJFS, rather than ODMH, ODADAS, and community behavioral health boards, responsible for paying the nonfederal share of Medicaid payments to providers of services under components of the Medicaid program that ODMH currently administers, effective on July 1, 2012.

**Fiscal effect: In FY 2013, when financial responsibility for community behavioral health Medicaid services shifts to ODJFS from ODMH and ODADAS, \$189.7 million (nonfederal share) in line item 600525, Health Care/Medicaid will go toward providing behavioral health Medicaid services. In addition, ODADAS will transfer \$7.0 million for the nonfederal share of Medicaid covered addiction treatment services from SSR Fund 4750, Statewide Treatment and Prevention Services, to ODJFS. In FY 2013, total funding for community behavioral health Medicaid services, all funds, is \$571.2 million; of that amount, \$456.1 million is for mental health and \$115.1 million is for alcohol and drug addiction.**

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JFSCD48            BEACON Quality Improvement Initiatives

Section:    *309.33.40*

Permits ODJFS, ODH, and ODMH in conjunction with the Governor's Office of Health Transformation, to seek assistance from, and work with, the BEACON Council and hospital and other provider groups to identify specific targets and initiatives to reduce the cost, and improve the quality, of medical assistance provided under Medicaid to children.

**Fiscal effect: Potential savings.**

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Social Services

JFSCD22      Use of Title XX Funds for Local Agency's Administrative Costs

R.C.      5101.46

Replaces the 14% limit on the amount of a local agency's Title XX appropriation that may be used for administrative costs with a requirement that each respective state department establish the maximum percentage by rule that complies with federal law. Currently, federal law requires that this percentage not exceed 9%.

**Fiscal effect: Reduction in the amount of Title XX funds county agencies can use for administrative expenses.**

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