

Executive

As Passed by the House

As Passed by the Senate

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.

R.C. 109.36, Section 812.10

Same as the Executive, but removes the delayed effective date.

Fiscal effect: Same as the Executive.

R.C. 109.36, Section 812.10

Same as the House.

Fiscal effect: Same as the Executive.

DMHCD37 County Withdrawal from Multi-County Board District

R.C.

Eliminates a requirement that a board of county commissioners submit a comprehensive plan that complies with ODMH and ODADAS rules when the board of county commissioners seeks to withdraw from participation in a multi-county community behavioral health board district.

Fiscal effect: None.

No provision.

No provision.

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

R.C. 340.02

Eliminates prohibitions against:

(1) a community behavioral health board member or employee serving as a board member of any agency with which the community behavioral health board contracts for

R.C. 340.02

Same as the Executive.

(1) Same as the Executive.

R.C. 340.02

No provision.

(1) No provision.

Executive	As Passed by the House	As Passed by the Senate
services or facilities;		
(2) a community behavioral health board member being an employee of an agency with which the board contracts for services or facilities;	(2) Same as the Executive.	(2) No provision.
(3) a person serving as a community behavioral health board member if the person's spouse, child, stepchild, parent, stepparent, sibling, stepsibling, grandchild, parent-in-law, child-in-law, or sibling-in-law serves as a board member of any agency with which the community behavioral health board contracts for services or facilities;	(3) Same as the Executive.	(3) No provision.
(4) a person serving as a community behavioral health board member or employee if the person's spouse, child, stepchild, parent, stepparent, sibling, stepsibling, parent-in-law, child-in-law, or sibling-in-law serves as county commissioner of a county in the board's district.	(4) No provision.	(4) No provision.
(5) No provision.	(5) a person being an employee of a board and an agency with which the board has entered into a contract for the provision of services or facilities unless the board and agency both agree in writing.	(5) No provision.
No provision.	No provision.	Provides that the prohibition against an community behavioral health board member being an employee of an agency with which the board contracts for services or facilities does not apply if the board member's employment duties with the agency consist of providing, only outside the district the community behavioral health board serves, services for which the Medicaid program pays.
Fiscal effect: None.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>DMHCD20 Community Mental Health Plans</p>		
<p>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</p>	<p>R.C. 340.03, 5119.61</p>	<p>R.C. 340.03, 5119.61, Sections 812.20, 812.30</p>
<p>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.</p>	<p>No provision.</p>	<p>No provision.</p>
<p>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.</p>	<p>No provision.</p>	<p>No provision.</p>
<p>Provides that nothing in state law is to be construed to require a board of county commissioners to provide resources for community mental health services beyond the total amount of (1) state mental health subsidies allocated by ODMH and (2) funds available to the board of county commissioners that are raised by a county tax levy for community mental health services.</p>	<p>No provision.</p>	<p>No provision.</p>
<p>No provision.</p>	<p>Requires boards to develop and submit their plans annually rather than not later than six months before the conclusion of the fiscal year in which the board's current plans are scheduled to expire and eliminates current law's deadline by which ODMH must approve or disapprove of boards' plans.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Eliminates a requirement that boards include an allocation request for state and federal funds with the plans.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Permits a board and ODMH to request that a dispute regarding a plan be submitted to a third-party mediator at any time while approval remains in dispute rather than</p>	<p>Same as the House.</p>

Executive	As Passed by the House	As Passed by the Senate
No provision.	<p>having to wait until there are 30 days remaining in the fiscal year in which the board's current plan is scheduled to expire.</p> <p>In the case of a plan that is submitted to a third-party mediator, eliminates current law's requirement that ODMH make its final determination regarding approval before the conclusion of the fiscal year in which the board's current plan is scheduled to expire.</p>	Same as the House.
No provision.	Eliminates a provision of current law that makes a board's amendment to its plan considered to have been approved if ODMH does not approve all or part of the amendment within 30 days after the amendment is submitted to ODMH.	Same as the House.
No provision.	No provision.	Provides for provisions of the bill regarding community mental health plans to take effect July 1, 2011.
Fiscal effect: None.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.
DMHCD28 Community Behavioral Health Boards Providing Services		
<p>R.C. 340.03, 3313.65, 3722.15, 3722.16</p> <p>Eliminates the authority of a community behavioral health board to operate a facility or provide a community mental health service under certain circumstances.</p> <p>Fiscal effect: None.</p>	No provision.	No provision.

Executive

As Passed by the House

As Passed by the Senate

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.

No provision.

No provision.

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

No provision.

No provision.

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

DMHCD42 Community Behavioral Health Boards' Audit Duties

No provision.

No provision.

R.C. 340.03, 9.03, 340.033, 340.091, 5119.61, 5119.611, 5119.613, 5119.69, 5119.70, 5119.84, 5119.86; Section 337.20.60

Eliminates current law provisions that require community behavioral health boards to audit all programs and services for which the boards contract and to conduct program audits.

Fiscal effect: Potential increase or decrease in costs, depending on if the audits are uncovering more fraud or misuse of funds than they cost to conduct.

Executive

As Passed by the House

As Passed by the Senate

DMHCD36 Commitment of Mentally Ill Criminal Defendants

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

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

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.

Same as the Executive.

Same as the Executive.

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.

Same as the Executive.

Same as the Executive.

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

DMHCD38 Deemed Certification of Addiction Programs and Community Mental Health Agencies

R.C. 3793.06, 5119.611

R.C. 3793.06, 3793.061, 5119.611, 5119.612

No provision.

Requires state certification to be granted to an alcohol and drug addiction program or a community mental health agency if the applicant for certification holds national accreditation from the Joint Commission, the Council on Accreditation of Rehabilitation Facilities, or the Council on Accreditation.

Same as the House, but authorizes or requires the ODADAS and ODMH Directors to perform certain actions related to validating accreditation.

No provision.

Specifies that the program or agency is not subject to further evaluation for purposes of the certification.

Same as the House, but permits visits and evaluation for "cause."

Fiscal effect: Potential reduction in administrative costs for ODMH and ODADAS to certify programs and agencies.

Fiscal effect: Same as the House, but reduction in costs may be less.

Executive	As Passed by the House	As Passed by the Senate
DMHCD39	ODMH and ODADAS Documentation Submission Requirements	
No provision.	<p>R.C. 3793.061, 5119.22, 5119.222, 5119.612, 5119.613, 5119.614, 5119.79, 5119.86</p> <p>Prohibits ODMH and ODADAS's rules regarding documentation that alcohol and drug addiction programs, residential facilities for persons with mental illness, and community mental health agencies must submit to ODMH, ODADAS, or community behavioral health boards from being more stringent than comparable federal regulations.</p> <p>Fiscal effect: Potential minimal increase in administrative costs to ODMH and ODADAS.</p>	<p>R.C. 3793.061, 5119.22, 5119.222, 5119.612, Section 337.30.90</p> <p>Replaces the House provision with a provision that requires the DMH and ODADAS Directors to perform certain actions regarding documentation, standards, and the integration of behavioral and physical health by December 31, 2011.</p> <p>Fiscal effect: Same as the House.</p>
DMHCD21	Payment for Mental Health Services Provided Under Medicaid	
<p>R.C. 5111.023, 5111.025, 5111.911, 5119.912, 5119.61, Sections 120.10 to 120.12</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>R.C. 5111.023, 340.03, 5111.025, 5111.911, 5119.912, Section 337.30.30</p> <p>Same as the Executive, but provides that no board is required to pay for Medicaid services with any funds other than GRF appropriation item 335501, Mental Health Medicaid Match, funds allocated to the board and federal financial participation received for those services.</p> <p>Same as the Executive.</p> <p>Same as the Executive.</p>	<p>R.C. 5111.023, 340.03, 5111.025, 5111.911, 5119.912, Sections 337.30.30, 812.20, 812.30</p> <p>Same as the House.</p> <p>Same as the Executive.</p> <p>Same as the Executive.</p>

Executive	As Passed by the House	As Passed by the Senate
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.	Replaces the Executive provision with a provision that requires the boards to pay for Medicaid services with funds allocated to them from GRF appropriation item 335501, Mental Health Medicaid Match.	Same as the House.
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.	Same as the Executive.	Same as the Executive.
No provision.	Requires ODMH to enter into an agreement with each board regarding the issue of paying for community mental health Medicaid services provided before July 1, 2011, for which the claims are submitted on or after that date.	Same as the House.
No provision.	Provides for a board to receive the federal financial participation received for community mental health Medicaid services provided before July 1, 2011, if the board paid for the services.	Same as the House.
Eliminates, effective July 1, 2012, the requirement that the comprehensive annual plan certify the availability of sufficient unencumbered community mental health state subsidy and local funds to match federal Medicaid reimbursement funds earned by community mental health facilities agencies.	Same as the Executive, but removes the delayed effective date.	Same as the House.
No provision.	No provision.	Provides for provisions of the bill regarding payment for mental health services provided under Medicaid to take effect July 1, 2011.
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.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
DMHCD31 Department of Mental Health's General Authority		
<p>R.C. 5119.012 Grants ODMH all the authority necessary to carry out its powers and duties under state law.</p>	<p>R.C. 5119.012 Same as the Executive.</p>	<p>R.C. 5119.012 Same as the Executive.</p>
Fiscal effect: None.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.
DMHCD32 Department of Mental Health's Contracts with Providers		
<p>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.</p>	<p>R.C. 5119.013, 5119.06, 5119.18 Same as the Executive, but provides that ODMH may also contract with other entities in addition to agencies and institutions.</p>	<p>R.C. 5119.013, 5119.06, 5119.18 Same as the House.</p>
<p>Exempts contracts, entered into by ODMH with agencies and institutions, from state law governing the state's purchases of services.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive, but provides that only contracts for services provided to individuals with mental illness by agencies, institutions, and other entities not owned or operated by the Department are exempt.</p>
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.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>DMHCD33 ODMH Community Support System</p>		
<p>R.C. 5119.06</p>	<p>R.C. 5119.06</p>	<p>R.C. 5119.06</p>
<p>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.</p>	<p>Same as the Executive, but requires ODMH to consult with community behavioral health boards in supporting the community support system.</p>	<p>Same as the House.</p>
<p>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.</p>	<p>Same as the Executive, but maintains the requirement for ODMH to assist in identifying resources.</p>	<p>Same as the House.</p>
<p>Permits ODMH to prioritize support for the elements of a community support system.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>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.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Eliminates a requirements 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.</p>	<p>No provision.</p>	<p>No provision.</p>
<p>Fiscal effect: None.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>

Executive

As Passed by the House

As Passed by the Senate

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.

No provision.

No provision.

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.

No provision.

No provision.

Fiscal effect: None.

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.

R.C. 5119.18

Same as the Executive.

R.C. 5119.18, Sections 812.20, 812.30

Same as the Executive, but provides for provisions of the bill regarding the ODMH Trust Fund to take effect July 1, 2011.

Fiscal effect: None.

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

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.

R.C. 5119.61

Same as the Executive, but requires ODMH to consult with community behavioral health boards regarding the system.

R.C. 5119.61, Sections 812.20, 812.30

Same as the House, but provides for provisions of the bill regarding the community mental health information system to take effect July 1, 2011.

Executive	As Passed by the House	As Passed by the Senate
<p>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.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>
<p>DMHCD19 ODMH Allocations of Subsidies</p>		
<p>R.C. <i>5119.62, 340.011, 340.03, 340.08 (Repealed), 340.11, 5119.61, 5119.621, 5119.622, 5119.623, Section 337.20.60</i></p>	<p>R.C. <i>5119.62, 340.03, 340.08 (Repealed), 340.11, 5119.61, 5119.621, 5119.622, 5119.623, 5122.15, Section 337.20.60</i></p>	<p>R.C. <i>5119.62, 340.03, 340.08 (Repealed), 340.11, 5119.61, 5119.621, 5119.622, 5119.623, 5122.15, Sections 337.20.60, 812.20, 812.30</i></p>
<p>Revises a requirement for ODMH to allocate to community behavioral health boards state subsidy funds by specifying that the funds to be allocated are funds appropriated to ODMH for the purpose of allocation to boards.</p>	<p>Same as the Executive, but specifies that the state subsidy funds that are to be allocated are the funds appropriated to ODMH for local mental health systems of care.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Requires ODMH to establish the allocation methodology after notifying and consulting with relevant constituencies.</p>	<p>Same as the House.</p>
<p>Eliminates most of the provisions applicable to the allocation of state subsidy funds, including requirements regarding whether a board elects to accept distribution of its allocation.</p>	<p>Same as the Executive, but maintains, in modified forms, some of the provisions applicable to the allocations.</p>	<p>Same as the House.</p>
<p>No provision.</p>	<p>Requires a board that elects not to accept distribution of its allocation to provide ODMH written confirmation that the board, before it conducted a public hearing, received input from certain groups and entities about the impact that the board's election will have on the mental health system in the board's district.</p>	<p>Same as the House.</p>
<p>Permits ODMH to allocate state subsidy funds on a district or multi-district basis.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>Eliminates a requirement that ODMH annually allocate to boards funds appropriated to ODMH for hospital personal services, hospital maintenance, and hospital equipment (other than such funds used for forensic services) and instead permits ODMH to distribute a portion of GRF appropriation item 334412, Hospital Services, to local boards</p>	<p>Replaces the Executive provision with a provision that (1) permits ODMH annually to allocate to boards a portion of the funds appropriated to ODMH for the operation of state hospital services, (2) requires ODMH to allocate to boards a portion of GRF appropriation item 334412, Hospital Services, for fiscal years 2012 and 2013, (3) requires ODMH to consult</p>	<p>Same as the House.</p>

Executive	As Passed by the House	As Passed by the Senate
in FY 2012 under certain restrictions.	with boards in establishing the allocation methodology, and	
	(4) eliminates an option for a board to use a portion of the funds allocated, if ODMH approves, to purchase insurance to pay the board's costs for utilizing the services of state regional psychiatric hospitals if other funds allocated to the board are insufficient.	
Provides for the ODMH Risk Fund to continue to exist in the state treasury for the purpose of the bill's provision regarding ODMH's allocation to boards of state hospital funds until it is no longer needed.	Same as the Executive.	Same as the Executive.
Eliminates a requirement that ODMH provide boards additional state or federal funds for special programs or projects ODMH considers necessary but for which local funds are unavailable.	Replaces the Executive provision with a provision that provides that ODMH is to provide the additional funds at ODMH's discretion.	Same as the House.
No provision.	No provision.	Provides for the provisions of the bill regarding ODMH's allocation of subsidies to take effect July 1, 2011.
Fiscal effect: None.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.
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.	No provision.	No provision.
Fiscal effect: Unknown at this time.		

Executive

As Passed by the House

As Passed by the Senate

DMHCD40 ODMH Withholding Funds from Boards

R.C. 5119.622, 5119.61, 5119.623

Revises ODMH's authority to withhold funds from a community behavioral health board that fails to comply with certain state laws or ODMH rules by (1) permitting rather than requiring ODMH to make the withholding, (2) specifying that the funds that are subject to withholding are funds that ODMH allocates to the board rather than unspecified state and federal funds for any program, and (3) specifying that one of the state laws that must be complied with is state law that requires boards to submit annual reports to ODMH regarding the use of their allocations rather than the state law governing the allocations.

Revises ODMH's authority to withhold funds from a board that denies available service on the basis of religion, race, color, creed, sex, national origin, age, disability, developmental disability, or the inability to pay by (1) permitting rather than requiring ODMH to make the withholding and (2) specifying that the funds that are subject to withholding are funds that ODMH allocates to the board rather than unspecified state and federal funds.

Fiscal effect: None.

R.C. 5119.622, 5119.61, 5119.623

Same as the Executive.

Same as the Executive, but removes ODMH's authority to withhold funds allocated to a board if the board denies available service on the basis of the inability to pay.

Fiscal effect: Same as the Executive.

R.C. 5119.622, 5119.61, 5119.623

Same as the Executive.

Same as the House.

Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>DMHCD30 Residential State Supplement</p>		
<p>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</p>	<p>R.C. 5119.69, 173.14, 173.35, 340.091, 2903.33, 3721.56, 3722.04, 5101.35, 5119.61, 5119.691, 5119.692, Sections 337.30.50, 337.30.75</p>	<p>R.C. 5119.69, 173.14, 173.35, 340.091, 2903.33, 3721.56, 3722.04, 5101.35, 5119.61, 5119.691, 5119.692, 5119.693, Sections 337.30.50, 337.30.75, 812.20, 812.30</p>
<p>Transfers to ODMH from ODA the administration of the Residential State Supplement (RSS) Program.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive, but provides for provisions of the bill regarding the transfer of the administration of the RSS Program to take effect July 1, 2011.</p>
<p>Transfers the certification of adult foster homes to ODMH from ODA.</p>	<p>Same as the Executive, but adds specifications regarding the transition period resulting from the transfer of the certification of adult foster homes from ODA to ODMH.</p>	<p>Same as the House, but provides for provisions of the bill regarding the transfer of the certification of adult foster homes to take effect July 1, 2011.</p>
<p>No provision.</p>	<p>No provision.</p>	<p>Requires criminal records checks on applicants for employment with an adult foster home in a position involving direct care to any "adult resident," rather than only those positions involving direct care to "older adults" (i.e., over age 60) as required under existing law.</p>
<p>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.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>No provision.</p>	<p>Provides that a person receiving payments under the RSS Program on the effective date of Section 337.30.50 of the bill is to be unaffected by the bill's transfer of the program from ODA to ODMH and adds specifications regarding the transition period.</p>	<p>Same as the House.</p>

Executive	As Passed by the House	As Passed by the Senate
<p>Requires ODMH, in implementing the RSS Program, to designate one or more entities to be responsible for providing administrative services under the program.</p> <p>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.</p>	<p>Same as the Executive.</p> <p>Fiscal effect: Same as the Executive.</p>	<p>Same as the Executive, but permits, rather than requires, ODMH, in implementing the RSS Program, to designate one or more entities to be responsible for providing administrative services under the program.</p> <p>Fiscal effect: Same as the Executive.</p>
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<p>DMHCD14 Adult Care Facilities</p>		
<p>R.C. <i>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</i></p>	<p>R.C. <i>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</i></p>	<p>R.C. <i>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; Sections 337.30.80, 812.20, 812.30</i></p>
<p>Transfers from ODH to ODMH responsibility for licensing adult care facilities and requires ODMH to adopt rules governing adult care facilities.</p>	<p>Same as the Executive, but provides that the transfer is to occur on July 1, 2011, rather than the effective date of the bill, and adds other certain specifications regarding the transfer.</p>	<p>Same as the House, but permits, rather than requires, ODMH to adopt rules on adult care facilities conducting criminal records checks on applicants for employment and permits, rather than requires, that the rules specify circumstances under which facilities may employ persons convicted of specified offenses but meet personal character standards set by ODMH.</p>

Executive	As Passed by the House	As Passed by the Senate
No provision.	No provision.	Requires criminal records checks on applicants for employment with an adult care facility in a position involving direct care to any "adult resident," rather than only those positions involving direct care to "older adults" (i.e., over age 60) as required under existing law.
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.	Same as the Executive.	Same as the Executive.
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."	Same as the Executive.	Same as the Executive.
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.	Same as the Executive.	Same as the Executive, but also removes the ODA Director from the list of individuals authorized to assert on behalf of adult care facility residents their statutory residents' rights.
Eliminates the authority of community behavioral health board employees to enter an adult care facility at any time when facility residents are receiving services from a mental health agency under contract with that board or another board.	No provision.	No provision.
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.	Same as the Executive.	Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>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.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>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.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<p>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.</p>	<p>Fiscal effect: Same as the Executive.</p>	<p>Fiscal effect: Same as the Executive.</p>
<hr/> <p>DMHCD22 Community Behavioral Health Board Duties Regarding Hospitalization</p>		
<p>R.C. <i>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</i></p>	<p>R.C. <i>5122.36 (Repealed)</i></p>	<p>R.C. <i>5122.36 (Repealed)</i></p>
<p>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.</p>	<p>No provision.</p>	<p>No provision.</p>
<p>Repeals current law that makes the county of residence of an individual with mental illness responsible for the necessary expense of returning the individual to the individual's county of residence and regular probate court fees and expenses incident to an order of hospitalization, effective July 1, 2012.</p>	<p>Same as the Executive, but removes the delayed effective date.</p>	<p>Same as the House.</p>
<p>Fiscal effect: Potential decrease in costs of civil bed days utilized at state psychiatric hospitals.</p>	<p>Fiscal effect: None.</p>	<p>Fiscal effect: Same as the House.</p>

Executive	As Passed by the House	As Passed by the Senate
DMHCD18 Exchange of Confidential Health Information by ODMH-Licensed Hospitals		
<p>R.C. 5122.31</p> <p>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.</p>	<p>R.C. 5122.31</p> <p>Same as the Executive, but (1) permits the exchange of the confidential information with payers and (2) extends this authority to other ODMH hospitals, institutions, and facilities and to community mental health agencies.</p>	<p>R.C. 5122.31</p> <p>Same as the House.</p>
Fiscal effect: None.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.
DMHCD25 Qualified Immunity of Facilities and Agencies		
<p>R.C. 5122.341</p> <p>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.</p>	<p>R.C. 5122.341</p> <p>Same as the Executive, but revises the provision to reflect the revisions made to the bill's provisions that transfer various duties regarding the commitment of individuals with mental illness from community behavioral health boards to ODMH.</p>	<p>R.C. 5122.341</p> <p>Same as the House.</p>
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.	Fiscal effect: Same as the Executive.	Fiscal effect: Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>DMHCD1 Forensic Services</p>		
<p>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 (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.</p>	<p>Section: 337.10.10 Same as the Executive. (1) Same as the Executive. (2) Same as the Executive. (3) Same as the Executive.</p>	<p>Section: 337.10.10 Same as the Executive. (1) Same as the Executive. (2) Same as the Executive. (3) Same as the Executive.</p>
<p>DMHCD2 Residency Traineeship Programs</p>		
<p>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.</p>	<p>Section: 337.20.10 Same as the Executive.</p>	<p>Section: 337.20.10 Same as the Executive.</p>

Executive

As Passed by the House

As Passed by the Senate

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.

Section: 337.20.20

Same as the Executive.

Section: 337.20.20

Same as the Executive.

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.

Section: 337.20.30

Same as the Executive.

Section: 337.20.30

Same as the 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.

Section: 337.20.50

Same as the Executive.

Section: 337.20.50

Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
<p>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.</p>	<p>Same as the Executive.</p>	<p>Same as the Executive.</p>
<hr/> <p>DMHCD7 Flexible Funding for Families and Children</p>		
<p>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.</p>	<p>Section: 337.30.10 Same as the Executive. Fiscal effect: Same as the Executive.</p>	<p>No provision.</p>
<hr/> <p>DMHCD8 Community Medication Subsidy</p>		
<p>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.</p>	<p>Section: 337.30.20 Same as the Executive.</p>	<p>Section: 337.30.20 Same as the Executive.</p>

Executive

As Passed by the House

As Passed by the Senate

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.

Section: 337.30.40

Same as the Executive, but specifies that the services boards may purchase are those permitted under Chapter 340. of the Revised Code.

Fiscal effect: Same as the Executive.

Section: 337.30.40

Same as the House.

Fiscal effect: Same as the Executive.

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.

Section: 337.30.60

Same as the Executive.

Section: 337.30.60

Same as the Executive.

Executive	As Passed by the House	As Passed by the Senate
DMHCD13 Family and Children First Flexible Funding Pool		
<p>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.</p> <p>Fiscal effect: May provide county councils with some financial flexibility to provide services to children and families.</p>	<p>Section: 337.30.70 Same as the Executive.</p> <p>Fiscal effect: Same as the Executive.</p>	<p>Section: 337.30.70 Same as the Executive.</p> <p>Fiscal effect: Same as the Executive.</p>
DMHCD41 Conveyance of ODMH Cuyahoga County Hospital Facility		
No provision.	No provision.	<p>Section: 753.25 Authorizes the conveyance of state-owned real estate to the Board of County Hospital Trustees of The MetroHealth System, in Cuyahoga County. (ODMH plans to vacate the facility and consolidate its two Northcoast Behavioral Healthcare facilities.)</p>
No provision.	No provision.	<p>Requires the ODMH Director to disburse \$3.4 million from capital appropriation item C58010, Campus Consolidation, to the grantee within 30 days of the conveyance.</p>

Executive

As Passed by the House

As Passed by the Senate

Executive	As Passed by the House	As Passed by the Senate
DASCD37	Drug Procurement for the Ohio Pharmacy Service Center	
No provision.	<p>R.C. 125.024, 5119.16</p> <p>Requires the Department of Administrative Services (DAS) to select a single vendor from which to procure all drugs that are stocked by the Ohio Pharmacy Service Center that the Department of Mental Health (DMH) operates.</p>	<p>R.C. 125.024, 5119.16</p> <p>Replaces the House provision with a requirement that DAS contract with a vendor if DAS determines that a vendor is able to provide drugs and services currently provided by the Ohio Pharmacy Service Center in a manner that achieves greater operational efficiencies and savings to the state than those that could be achieved if the Center provides the goods and services itself.</p>
No provision.	<p>Requires DAS to develop a process to be used in issuing a request for proposals (RFP), receiving responses to the RFP, and evaluating the responses on a competitive basis before selecting a single vendor. Requires DAS to issue the initial RFP not later than 60 days after the bill's effective date and each subsequent RFP at least 90, but not more than 120, days before a drug procurement contract terminates.</p>	<p>Same as the House, but (1) removes the requirement that the RFP be for the purpose of selecting a single vendor, and (2) the timeframes for issuing subsequent RFPs.</p>
No provision.	<p>No provision.</p>	<p>Requires DAS to adopt rules for implementation, including rules specifying the duration of a contract and a process for issuing subsequent RFPs, receiving responses to RFPs, and evaluating the responses on a competitive basis.</p>

Executive

As Passed by the House

As Passed by the Senate

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.

R.C. *5111.912, 5111.023, 5111.913, Section
337.30.30*

Same as the Executive, but (1) removes the delayed effective date for the part of the provision regarding mental health services and (2) requires community behavioral health boards to pay for the mental health services provided during FY 2012 using funds ODMH allocates to the boards and federal matching funds.

Fiscal effect: Same as the Executive.

R.C. *5111.912, 5111.023, 5111.913, Section
337.30.30*

Same as the House.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

JFSCD48 Medicaid Quality Improvement Initiatives for Children

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 Best Evidence for Advancing Child Health in Ohio Now (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: None.

Section: 309.33.40

Same as the Executive, but removes the BEACON Council from the entities that the agencies are to seek assistance from and to work with.

Fiscal effect: Same as the Executive.

Section: 309.33.40

Same as the Executive.

Fiscal effect: Same as the Executive.

JFSCD122 Residential State Supplement Program

No provision.

No provision.

Section: 390.35.33

Transfers \$2.8 million cash from the GRF to the Nursing Home Franchise Permit Fee Fund (Fund 5R20) to be used for the Residential State Supplement Program.

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%.)

R.C. 5101.46

Same as the Executive.

R.C. 5101.46

Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

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

Fiscal effect: Same as the Executive.

Fiscal effect: Same as the Executive.

Executive

As Passed by the House

As Passed by the Senate

LOCCD52

Dayton Public Schools Land Conveyance

No provision.

No provision.

Sections: 620.20, 620.21

Amends H.B. 1 of the 128th G.A. to extend the expiration date, from July 17, 2011 to October 16, 2013, for an authorization to convey state land (Department of Mental Health) to the Dayton Public Schools.

Fiscal effect: The extension will provide Dayton with more time to complete the required demolition and construction.