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MHACD36 Consolidation of ODMH and ODADAS into the Department of Mental Health and Addiction Services**R.C. 3793., 5119.**

Merges the Department of Mental Health and the Department of Alcohol and Drug Addiction Services to form the Department of Mental Health and Addiction Services. Relocates numerous Revised Code sections and merges duplicative Revised Code sections. The LSC Bill Analysis for H.B. 59 contains tables describing the relocation and merger of sections in greater detail; these tables may be found under the heading "ODMHAS RELOCATION TABLES."

MHACD14 Transactions Involving Real Estate**R.C. 3793.031, (renumbered 5119.201)**

Removes the requirement from current law that ODMH (ODMHAS) receive the approval of the Governor and the Attorney General when conducting a transaction involving real estate and instead allows ODMHAS to work with the Department of Administrative Services for such transactions.

Specifies that moneys received from the sale, lease, or exchange of property be deposited into the Department of Mental Health and Addiction Services Trust Fund, as opposed to the GRF as under current law.

Fiscal effect: Potential loss of revenue to the GRF. Potential gain in revenue to the Department of Mental Health and Addiction Services Trust Fund.

MHACD38 Council on Alcohol, Drug, and Gambling Addiction Services**R.C. 3793.07, (repealed)**

Abolishes the Council on Alcohol, Drug, and Gambling Addiction Services.

Fiscal effect: Potential minimal decrease in administrative costs.

Executive**MHACD39 Revolving Loans for Recovery Homes Fund****R.C. 3793.19, (repealed)**

Repeals the section that creates the Revolving Loans for Recovery Homes Fund.

Fiscal effect: None.

MHACD24 Contracting for Mental Health and Addiction Services**R.C. 5119.01, (renumbered 5119.10)**

Permits ODMHAS to contract with licensed hospitals to serve mentally ill patients or with persons or various other entities for the custody, evaluation, supervision, care, or treatment of mentally ill persons receiving services elsewhere other than within the enclosure of a hospital. (Current law requires ODMH to enter such contracts.)

Fiscal effect: None.

MHACD42 State Mental Health Plan**R.C. 5119.01, (renumbered 5119.10)**

Removes the requirement that ODMHAS prepare and publish regularly a state mental health plan that describes the Department's philosophy, current activities, and long term and short term goals and activities.

Fiscal effect: None.

MHACD44 Addiction Services for Offenders in the State Prison System**R.C. 5119.02, (renumbered 5119.14)**

Authorizes ODMHAS to provide or contract to provide addiction services for offenders incarcerated in the state prison system.

Fiscal effect: None.

Executive**MHACD41 Psychiatric Rehabilitation Facilities****R.C. 5119.04**

Removes the exemption for facilities designated by ODMH (ODMHAS) for use as a psychiatric rehabilitation center from the requirement that institutions under the supervision of ODMH (ODMHAS) be in substantial compliance with standards set forth for psychiatric facilities adopted by the Joint Commission on Accreditation of Health Care Organizations.

Fiscal effect: None.

MHACD47 Department Duties**R.C. 5119.06, (renumbered 5119.21)**

Adds pregnant women, parents, and guardians or custodians of children at risk of abuse or neglect to the list of demographic groups for which ODMHAS is to provide special focus when promoting and developing mental health and addiction services.

Requires ODMHAS to design and set criteria for the determination of priority populations rather than the determination of severe mental disability.

Removes the requirement that ODMHAS provide training related to the provision of community based mental health services to those department employees who are utilized in state operated, community based mental health services.

Fiscal effect: None.

MHACD1 Nursing Facility Preadmission Screening**R.C. 5119.061, (renumbered 5119.40)**

Requires an individual with a mental illness to undergo a level of care determination before being admitted or readmitted to a nursing facility from a hospital if the hospital is (1) maintained, operated, managed, and governed by ODMHAS or (2) a freestanding hospital, or unit of a hospital, licensed by the Department.

Fiscal effect: Potential increase in administrative costs; potential savings in providing appropriate services.

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MHACD43 Medical Director**R.C. 5119.07, (renumbered 5119.11)**

Requires a person appointed as the medical director of ODMHAS to have, in addition to existing qualification standards, certification or substantial training and experience in the field of addiction medicine or addiction psychiatry. Requires the medical director, in addition to current responsibilities, to be responsible for decisions relating to prevention and the clinical aspects of outpatient facilities and the certification of mental health and addiction services.

Fiscal effect: None.

MHACD20 Appointment of a Person in a Classified to an Unclassified Position**R.C. 5119.071, (renumbered 5119.18)**

Specifies that the appointment of a person in a classified to an unclassified position should follow the standard procedures and stipulations prescribed by the Department of Administrative Services instead of the procedures prescribed in current law for ODMH.

Fiscal effect: None.

MHACD50 Physician Specialists**R.C. 5119.09, (repealed)**

Removes the section that authorizes ODMH to prepare job descriptions, classifications, and requirements for physician specialists working in ODMH.

Fiscal effect: None.

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MHACD46 Training AgreementsR.C. *5119.11, (renumbered 5119.186)*

Allows the managing officer of an institution of ODMHAS, in addition to the Director of ODMHAS, to enter into an agreement with the directors of one or more institutions of higher education or hospitals licensed to establish collaborative training efforts for students preparing for careers in mental health-related fields. Expands this provision to apply to addiction services as well.

Fiscal effect: Provides the department more flexibility to enter training agreements.

MHACD19 Suspension from Employment of a Special Police Officer

R.C. *5119.14, (renumbered 5119.08)*

Specifies that the suspension from employment of a special police officer positioned at a mental health institution is to be done in accordance with applicable collective bargaining agreements, as opposed Administrative Procedure Act.

Fiscal effect: None.

MHACD18 Appointment to the Position of Chief Executive Officer of an Institution

R.C. *5119.27, (renumbered 5119.05)*

Specifies that the managing officer has the authority and responsibility for entering contracts and other agreements for the efficient operations of the institutions. Removes from current law the option that allows ODMH ((ODMHAS) to appoint an individual to the position of the managing officer, known as the Chief Executive Officer, of an institution from persons holding positions in the classified services in the department.

Fiscal effect: None.

Executive**MHACD51 Purchase of Supplies and Competitive Bidding****R.C. 5119.31, (repealed)**

Removes the redundant section that authorizes the Department of Administrative Services to purchase supplies for ODMH.

Fiscal effect: None.

MHACD52 Statement of Policy**R.C. 5119.47, (repealed)**

Removes the section specifying that it is the policy of Ohio, and of ODMH, to operate state hospital services and other community-based services, in order to provide a full range of services for persons in need of mental health services.

Fiscal effect: None.

MHACD25 Specifications for Rules**R.C. 5119.61, (renumbered 5119.22), 5119.012
(renumbered 5119.141)**

Granting the ODMHAS Director the same authority granted to the ODMH Director to adopt rules that are necessary to carry out law related to mental health and addiction facilities and services, but removes current law's specifications for rules.

Fiscal effect: None.

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MHACD48 Fund Allocation

R.C. 5119.62, (renumbered 5119.23)

Requires ODMHAS, in consultation with boards, service providers, and persons receiving services, to establish guidelines related to the allocation of funds appropriated by the General Assembly to boards of alcohol, drug addiction, and mental health services and eliminates various fund allocation specifications under current law.

MHACD40 Operation of Runaway Shelters for Minors

R.C. 5119.65, - 5119.68 (all repealed)

Repeals the sections governing the operation of runaway shelters for minors.

Fiscal effect: None. These requirements have been subsumed by general requirements and laws related to facilities of ODMHAS.

MHACD17 Residential State Supplement Payments

R.C. 5119.69, (renumbered 5119.41), 5119.691
(renumbered 5119.411)

Revises eligibility standards and policies related to residential state supplement payments as follows:

Specifies that one of the places that a person must reside in to be eligible for residential state supplement payments is a residential care facility or an assisted living program instead of a home or facility, other than a nursing home or nursing home unit of a home for the aging.

Requires county departments of job and family services instead of ODMHAS to notify a person if that person is disapproved for residential state supplement payments.

Regarding a person who is on a residential state supplement waiting list, requires ODMHAS to have a process in place to ensure that if a residential state supplement administrative agency determines such a person has been admitted into a nursing facility, there be a determination whether the residential state supplement program is appropriate for the person and whether the person would rather participate in the program than continuing to reside in the nursing facility. (Current law

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requires residential a state supplement administrative agency to notify the appropriate long-term care consultation program administrator and requires the administrator to determine whether the person is appropriate to participate in the state residential supplement program.)

Fiscal effect: None.

MHACD23 Certification Standards

**R.C. 5119.611, (renumbered 5119.36), 5119.612
(renumbered 5119.37)**

Revises certification standards related to the provision of mental health and addiction services as follows: expanding the list of topics the certification standards are required to address; requiring ODMHAS to maintain a current list of certified addiction service providers and provide a copy of the list to a judge when requested; specifying that no person can represent in any manner that a provider is certified by ODMHAS if the provider is not certified at the time the representation is made; and adding "other behavioral health accreditation as determined by the Director" to the list of alternative standards under which a service provider may be certified;

Fiscal effect: None.

MHACD10 Transition to the Department of Mental Health and Addiction Services

Sections: 327.20, R.C. 3793., 5119.

Creates the Department of Mental Health and Addiction Services to be administered by the Director of Mental Health and Addiction Services.

Continues all rules, orders, actions, and determinations undertaken pursuant to the authority and responsibilities of ODMH and ODADAS prior to July 1, 2013 as rules, orders, actions, and determinations of ODMHAS.

Requires the LSC Director, if necessary, to renumber the rules to reflect the transfer of authority and responsibility from ODMH and ODADAS to ODMHAS.

Specifies that ODMHAS plans to generally fund mental health and addiction services in largely the same proportion when such services were allocated or distributed through ODMH and ODADAS.

Specifies that all employees of ODMH and ODADAS will be employees of ODMHAS and shall serve in the positions previously held within their respective agencies unless ODMHAS determines otherwise.

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Requires on July 1, 2013, or as soon as possible thereafter, if requested by the ODMHAS Director, the OBM Director to make any budget changes made necessary by the consolidation, including administrative organization, program transfers, the creation of new funds, the transfer of state funds, and the consolidation of funds. Permits the OBM Director to transfer cash balances between funds, and establish encumbrances or parts of encumbrances in the appropriate fund and appropriation item for the same purpose and for payment to the same vendor in FY 2014 and FY 2015.

Requires that no later than 30 days after the transfer and consolidation of ODMH and ODADAS into ODMHAS, an authorized officer of the former ODMH and ODADAS shall certify to the ODMHAS Director the unexpended balance and location of any funds and accounts designated for building and facility operation management functions. Specifies that these funds and accounts be transferred to ODMHAS.

Fiscal effect: ODMHAS estimates \$1.5 million in central office operations savings each year of the biennium.

MHACD28 Local Boards

Sections: 327.20.10, R.C. 340., 5119.61 (renumbered 5119.22), 5119.622 (renumbered 5119.25)

Requires the ODMHAS Director, to the extent necessary and after consultation with local boards, to specify the information that must be provided by the local boards to be included in the community behavioral health system or systems.

Requires local boards to submit a budget and statement of services in addition to a mental health and addiction services plan for approval. Allows ODMHAS to withhold all or part of the funds allocated to a board if all or part of the board's plan, budget, or statement of services is disapproved. Prescribes a procedure that needs to be followed prior to a final decision of disapproval or to withhold funds from a board.

Changes the membership requirements of alcohol, drug addiction, and mental health services boards; alcohol and drug addiction services boards; and community mental health boards.

Revises and makes additions to the planning duties of boards and information required to be submitted by boards to ODMHAS.

Prohibits a board from contracting with an unlicensed residential facility that is required to be licensed by the Director.

Authorizes a board to inspect any residential facility located in its district and licensed under the Hospitalization of the Mentally Ill Law, eliminating the current law requirement that the inspection be pursuant to a contract with ODMH.

Expands the protected classes against which boards and contracted services providers are prohibited from discriminating to include military status, sexual orientation, or genetic information. Authorizes ODMHAS to withhold funds due to

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discrimination. Requires ODMHAS to give a board 10 days instead of a reasonable time under current law from receipt of the noncompliance notice to respond. Allows instead of requiring ODMHAS to offer technical assistance to the board to achieve compliance. Requires ODMHAS to hold a hearing within ten days of receipt of the board's position on the matter before withholding funds (current law only requires a hearing).

Requires a board to strive to attain a yearly construction contract dollar procurement goal of 5% for EDGE business enterprises, instead of setting the percentage aside for minority business enterprises.

Permits various line items to be used to pay for the Department and local board functions under this provision.

Fiscal effect: Potential minimal decrease in costs to local boards.

MHACD13 Confidentiality of Records

Sections: *327.20.20, R.C. 5119.28, 5119.99*

Requires all records and reports identifying a person and pertaining to the person's mental health condition, assessment, provision of care or treatment, or payment for assessment, care, or treatment that are maintained in connection with any services certified by ODMHAS, or any hospitals or facilities licensed or operated by the Department, to be kept confidential and must not be disclosed by any person, with certain exceptions. Specifies that no person is to reveal the content of a medical record of a person except as authorized by law and makes violating these requirements a fifth degree felony.

Permits portions of certain line items to be used to pay for the Department and community mental health system functions that operate under the confidentiality requirements in this provision.

Fiscal effect: None.

MHACD30 Rules for Residential Facilities

Section: *327.20.30*

Authorizes the ODMHAS Director to adopt rules governing licensure and operation of residential facilities.

Permits portions of certain line items to be used to pay for these regulated activities.

Fiscal effect: Potential minimal increase in costs.

Executive**MHACD31 Community Construction Programs****Section: 327.20.40**

Permits the ODMHAS Director to approve state reimbursement of or state grants for community construction programs. Requires the Director to adopt rules to specify procedures for state reimbursement and for state grants for community construction programs.

Permits portions of appropriation item 335616, Community Capital Replacement, to be used to pay for state reimbursement of or state grants for community construction programs.

Fiscal effect: Potential minimal increase in administrative costs.

MHACD29 Information Reporting and Collection**Sections: 327.20.50, 3793.12 (renumbered 5119.61)**

Requires ODMHAS to collect information about services delivered and persons served as required for reporting and evaluation relating to state and federal funds expended for such purposes.

Requires each local board to supply information within its knowledge with respect to its programs and services upon request.

Permits portions of certain line items to be used to pay for the Department information collection and reporting functions required by this provision.

Fiscal effect: Minimal increase in local boards' and ODMHAS's administrative costs.

MHACD35 Administration of Certain Medicaid Services**Section: 327.20.60**

Requires ODMHAS to administer specified Medicaid services that are delegated by the Department of Medicaid.

Requires ODMHAS to use appropriation item 652507, Medicaid Support, to fund the Medicaid-related services and supports performed by ODMHAS on or after July 1, 2013.

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Fiscal effect: Potential minimal increase in administrative costs.

MHACD4 Resident Trainees**Section: 327.30**

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

MHACD6 Lease-Rental Payments**Section: 327.40**

Requires that ODMHAS 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.

MHACD5 Hospital Services**Section: 327.50**

Requires that GRF appropriation item 334412, Hospital Services, be used for the operation of the state regional psychiatric hospitals, including civil and forensic commitment, treatment, and discharge, as determined by ODMHAS. Permits a portion of the appropriation to be used to create, purchase, or contract for the custody, supervision, control, and treatment of individuals committed to ODMHAS in other clinically appropriate environments, consistent with public safety.

Executive**MHACD9 Continuum of Care Services****Section: 327.60**

Permits a portion of appropriation item 335421, Continuum of Care Services, to be allocated to community alcohol, drug addiction, and mental health services boards according to a distribution methodology determined by the ODMHAS Director for purchases of mental health and addiction services, subsidized support of psychotropic medication needs for indigent citizens in the community, and provide support for medication assisted treatment costs.

Permits a portion of appropriation item 335421, Continuum of Care Services, to be distributed to community alcohol, drug addiction, and mental health services boards to provide grants in support of addiction services initiatives.

MHACD3 Criminal Justice Services**Section: 327.70**

Requires that funds in GRF appropriation item 335422, Criminal Justice 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 ODMHAS prior to conditional release to the community. Permits a portion of this appropriation to be allocated through community alcohol, drug addiction, and mental health services health boards to community addiction and/or mental health services providers in accordance with a distribution methodology developed by the ODMHAS Director.

Permits appropriation item 335422, Criminal Justice Services, to be used to provide forensic monitoring and tracking of individuals on conditional release, provide forensic training, support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders, provide specialized re-entry services to offenders leaving jail, provide specific grants in support of addiction service alternatives to incarceration, support specialty, and support therapeutic communities.

Executive**MHACD11 Community Innovations****Section: 327.80**

Permits GRF appropriation item 335504, Community Innovations, to be used by ODMHAS to make targeted investments in programs, projects, or systems operated by public or non-profit entities that impact or are impacted by the operations and functions of the Department to reduce expenditures of state general revenue funds and/or improve outcomes without a net increase in general revenue fund spending.

Permits appropriation item 335504 to also be used to make payments to the Opportunities for Ohioans with Disabilities Agency for vocational rehabilitation services.

MHACD12 Community Operating/ Planning**Section: 327.90**

Permits appropriation item 335609, Community Operating/ Planning, to be used by ODMHAS to make payments to the Opportunities for Ohioans with Disabilities Agency for vocational rehabilitation services.

Permits appropriation item 335609, Community Operating/Planning, to be used to make incentive payments to operators of licensed residential facilities that provide accommodations and personal care services for one or two unrelated adults or accommodations, supervision, and personal care services for three to sixteen unrelated adults.

Permits appropriation item 335609, Community Operating/Planning, to be used to support non-Medicaid program costs for individuals moving into community settings.

MHACD7 Residential State Supplement**Section: 327.100**

Permits GRF appropriation item 335506, Residential State Supplement, to be used to provide training for residential facilities serving residents with mental illness and to 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.

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Requires ODMHAS to conduct a review of state and federal rules and statutes governing the RSS program and issue a report recommending improvements to the program no later than January 1, 2014.

MHACD8 Family and Children First Flexible Funding Pool**Section: 327.110**

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.

MHACD32 Access Success II Program**Section: 512.40**

Transfers and appropriates cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by ODMHAS, for the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by ODMHAS to transition from inpatient status to a community setting.

MHACD34 Transfer to Department of Mental Health and Addiction Services Trust Fund**Section: 512.50**

Requires the ODMHAS Director to certify to the OBM Director, not later than September 1, 2013, the unexpended, unencumbered balances of GRF appropriations to ODMH and ODADAS for FY 2012, excluding debt service. Requires the OBM Director to transfer cash, in an amount up to the amount certified, to the Department of Mental Health and Addiction Services Trust Fund.

Executive**MHACD33 Recovery Requires a Community Program****Section: 751.10**

Requires the Medicaid Director to transfer, via intrastate transfer voucher, an agreed upon amount of cash, representing the savings realized from decreased nursing facility utilization as a result of the Recovery Requires a Community Program, from GRF appropriation item 651525, Medicaid/Health Care Services, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services, for the Recovery Requires a Community Program to support non-Medicaid program costs for individuals moving into community settings.

Executive**DOHCD22 Direct Care Workers****R.C. 3701.95, 191.061, 5164.83**

Requires, not later than October 1, 2014, the ODH Director to establish a direct care worker certification program and authorizes the Director to adopt rules as necessary to implement the program.

Prohibits, on or after October 1, 2015, the ODM Director from making a Medicaid payment to a direct care worker for a direct care service or entering into a Medicaid provider agreement with the worker unless core competencies described in an operating protocol developed by the OHT Executive Director or the Executive Director's designee, in consultation with the ODM Director and the directors of ODA, ODODD, ODMHAS, and the Ohio Department of Health (ODH) are met.

Fiscal effect: Potential administrative costs.

Executive**MCD36 Screening Tool for High-Risk Youth Team Evaluation****Section: 501.10**

Requires the Office of Health Transformation to convene a team comprised of the DYS, ODM, ODJFS, ODH, and DMHAS. Requires the team to evaluate the feasibility of implementing a trauma screening tool for high-risk youth and to create a report with the following:

- (1) The recommended trauma screening tool to be used to evaluate high-risk youth;
- (2) Training in the administration of the recommended tool;
- (3) Screening protocols;
- (4) The persons to whom the recommended tool should apply; and
- (5) The implications for treatment.

Requires the report to be completed by December 1, 2013 and to be distributed to the Governor.

Specifies that DYS may receive funds for piloting the recommended tool in detention centers.
