
Executive**MHACD8 Technical and conforming changes**

R.C. *121.372, 140.01, 321.44, 340.01, 340.07,
340.15, 737.41, 2151.3514, 2925.03, 2929.13,
2929.15, 2935.33, 2951.041, 2981.12,
2981.13, 4511.191, 5107.64, 5119.11,
5119.186, 5119.23, 5119.25, 5119.31,
5119.36, 5119.361, 5119.365, and 5119.94*

Makes technical and conforming changes associated with the bill's other provisions on addiction and mental health services and recovery supports.

MHACD6 Recovery housing

R.C. *340.01, 340.034, Section 812.40*

Defines "recovery housing" to include housing for individuals recovering from alcoholism as well as drug addiction.

Eliminates provisions that prohibit residential facilities from owning or operating recovery housing or providing addiction services, but prohibits recovery housing from being subject to Ohio Department of Mental Health and Addiction Services (ODMHAS) residential facility licensure.

Prohibits recovery housing from being owned and operated by an alcohol, drug addiction, and mental health services (ADAMHS) board unless (1) the board owns and operates the recovery housing on September 15, 2016, or (2) the board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing.

Fiscal effect: Potential increase in costs for an ADAMHS board if the Board operates recovery housing.

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MHACD4 **Recovery supports for individuals suffering from mental illness or alcohol or drug addiction**

R.C. *340.03, 340.033, 340.04, 340.08, 340.09,
5119.01, 5119.10, 5119.21, 5119.22,
5119.28, 5119.362, 5119.60, 5119.61, and
5122.31*

Defines the term, "recovery support," and replaces references to "recovery support service" with references to "recovery support" throughout the Revised Code.

Specifies that a recovery support is a separate component of the continuum of care for persons suffering from mental illness or drug or alcohol addiction, rather than being an addiction or mental health service as specified in existing law.

Requires the ODMHAS Director and ODMHAS to exercise and perform duties related to the provision of recovery supports that are similar to those performed under existing law related to the provision of mental health and addiction services.

Requires a community addiction and mental health plan that an ADAMHS board submits to the ODMHAS under existing law include a list of the ODMHAS priorities for recovery supports that have been communicated to the ADAMHS board.

In accordance with ODMHAS rules, requires an ADAMHS board to submit a statement identifying the recovery supports (in addition to addiction and mental health services) the board intends to make available and requires ODMHAS to approve or disapprove that statement in whole or in part.

Specifies that the continuum of care for opioid and co-occurring drug addiction includes recovery supports.

Requires a report on public funding that an ADAMHS board must submit to ODMHAS under existing law to identify funds the board receives for recovery supports associated with opioid and co-occurring drug addiction (in addition to treatment services).

Requires an ADAMHS board and ADAMHS board executive director to perform duties related to the provision of recovery supports that are similar to those performed under existing law related to the provision of mental health and addiction services.

Requires information concerning an individual's receipt of recovery supports to be kept confidential in the same manner as information concerning an individual's mental health treatment.

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Requires an annual report that ODMHAS must submit to the Governor under existing law to contain information concerning the recovery supports that ODMHAS offers.

For state and federal reporting and evaluation purposes, requires ODMHAS to collect information concerning the delivery of recovery supports.

Modifies the definitions of "community addiction services provider" and "community mental health services provider" to include a provider of recovery support who is compensated with public funds.

Authorizes ODMHAS facilities to exchange psychiatric records and other information with payers and providers of recovery supports.

Requires each community addiction services provider to maintain a waiting list of individuals seeking a recovery support.

Fiscal effect: Potential increase in costs for ODMHAS and ADAMHS boards.

MHACD7 Prohibition on discriminatory practices**R.C. 340.12**

Prohibits an ADAMHS board or community addiction or mental health services provider from discriminating in the provision of addiction and mental health services, in employment, or under a contract on the basis of religion or age (in addition to race, color, creed, sex, national origin, or disability).

Fiscal effect: None.

MHACD1 Patient medical record confidentiality**R.C. 5119.28, 5122.31**

Eliminates the confidentiality of specified mental health records and records from hospitalization or commitment due to a mental illness for any individual who has been deceased for 50 years or more.

Fiscal effect: None.

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MHACD9 **Mental health service provider noncompliance****R.C.** ***5119.33, 5119.36, conforming changes in
5119.99***

Permits ODMHAS to suspend the admission of patients to a hospital treating mentally ill persons or a community addiction services provider offering overnight accommodations if it finds either of the following:

- (1) That the hospital or provider is not in compliance with ODMHAS rules;
- (2) The hospital or provider was cited for repeated violations during previous license or certification periods.

Permits ODMHAS to refuse to renew a hospital's license if (1) the hospital is no longer a suitable place for the care or treatment of mentally ill persons, (2) the hospital refuses to be subject to ODMHAS inspection or on-site review, (3) the hospital has failed to furnish humane, kind, and adequate treatment and care, or (4) the hospital has failed to comply with ODMHAS licensure rules.

Fiscal effect: Potential minimal increase in costs to ODMHAS.

MHACD10 **Licensing and operation of residential facilities****R.C.** ***5119.34, Conforming changes in 340.03,
340.05, 5119.341, 5119.41, 5123.19***

Amends the definition of "residential facility" to create different classes of residential facilities based on the size of the facility and the types of services provided by the facility.

Expands the reasons ODMHAS may suspend admissions to a residential facility, refuse to issue or renew, or revoke a facility's license to also include:

- (1) If the facility has been cited for a pattern of serious noncompliance or repeated violations during the current licensing period.
- (2) If ODMHAS finds that an applicant or licensee submitted false or misleading information as part of an application, renewal, or investigation.

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Requires ODMHAS to adopt rules establishing procedures for conducting background investigations of non-residential occupants.

Removes the duty that ODMHAS adopt rules governing procedures for obtaining an affiliation agreement between a residential facility and a community mental health services provider.

Replaces references to "conditional" certifications for mental health service and addition service providers with "probationary and interim" certifications in the provision requiring ODMHAS to adopt rules establishing certification standards for mental health services and addiction services.

Fiscal effect: Potential increase in costs related to licensing and enforcement of residential facilities.

MHACD3**Residential State Supplement**

R.C. 5119.41, 5119.411 (Repealed), Section 331.130

Removes from the list of types of residences eligible for the residential state supplement an apartment or room certified and approved under Ohio law to provide community mental health housing services.

Permits an individual residing in a living arrangement housing more than 16 individuals to be eligible for the Program if the ODMHAS Director waives the size limitation with respect to that individual.

Removes the residential state supplement eligibility requirement that a residential state supplement administrative agency have determined that an individual's living environment is appropriate for the individual's needs.

Limits the referral requirements so that a residential state supplement administrative agency must refer an enrolled individual for an assessment only if the agency is aware that the individual has mental health needs.

Removes the requirement that ODMHAS maintain a waiting list for the Residential State Supplement Program.

Permits the Department of Medicaid, in addition to the applicable county department of job and family services, to (1) determine whether an applicant meets eligibility requirements and (2) notify each denied applicant of the applicant's right to a hearing.

Permits GRF line item 335610, Residential State Supplement, to be used by ODMHAS to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients.

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Permits GRF line item 335610, Residential State Supplement, to be used to transfer cash to the Nursing Home Franchise Permit Fee Fund (Fund 5R20), used by the Department of Medicaid.

Requires any transfer be made using an intrastate transfer voucher. Appropriates any transferred amount.

Reduces the appropriation of GRF line item 335610 by an amount equal to the amount transferred.

Requires ODMHAS to adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code.

Modifies the authority under which the ODMHAS Director adopts rules for the RSS Program from section 111.15 of the Revised Code to Chapter 119. of the Revised Code.

MHACD12 Office of Support Services Fund name change**R.C. 5119.44**

Renames the Office of Support Services Fund (Fund 1510), used by ODMHAS, to the Ohio Pharmacy Services Fund.

Fiscal effect: None.

MHACD11 Agency report on alcohol and drug services**R.C. 5119.161**

Eliminates the requirement that ODMHAS and the Department of Job and Family Services do both of the following:

- (1) Submit a biennial report on the progress of a joint state plan to improve the accessibility and timeliness of alcohol and drug addiction services for individuals a public children services agency identifies as being in need of those services;
- (2) Include as part of that plan a request for an appropriation to pay for alcohol and drug addiction services for caregivers of at-risk children.

Fiscal effect: Reduction in costs for ODMHAS and the Department of Job and Family Services.

Executive**MHACD2 Probate Court reimbursement for commitment of mentally ill****R.C. 5122.36**

Eliminates the requirement of sending a probate court's transcript of proceedings to the mentally ill person's county of residence in order for the committing court to be reimbursed for its expenses and instead requires the sending of a copy of the commitment order.

Requires the receiving court to enter and record the commitment order.

Provides that the certified commitment order is prima facie evidence of the person's residence.

Fiscal effect: None.

MHACD28 Transition relating to consolidation of departments**Section: 331.20**

Transfers all of the authority, functions, and assets and liabilities of the Ohio Department of Mental Health (ODMH) and the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) to ODMHAS.

Transfers all duties, authorities, and responsibilities of the ODMH Director and ODADAS Director to the ODMHAS Director.

Deems any action, license, or certification undertaken or issued by the ODMH Director or ODADAS Director that is current and valid on July 1, 2013 to be an action, license, or certification undertaken or issued by ODMHAS under the statute creating the Department.

Requires any business not completed by ODMH or ODADAS by July 1, 2013 be completed by ODMHAS in the same manner, and with the same effect, as if completed by ODMH or ODADAS prior to July 1, 2013.

Prohibits any validation, cure, right, privilege, remedy, obligation, or liability be lost or impaired by the merger of ODMH and ODADAS into ODMHAS.

Requires each such validation, cure, right, remedy, obligation, or liability be administered by ODMHAS pursuant to the statute creating that department.

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Continues all rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of ODMH and ODADAS prior to July 1, 2013, as rules, orders, and determinations of ODMHAS until modified or rescinded by ODMHAS.

Requires the Director of the Legislative Service Commission to renumber the rules to reflect the transfer of authority and responsibility ODMHAS if necessary to ensure the integrity of the numbering system of the Administrative Code.

(1) Requires that any action or proceeding that is related to the functions or duties of ODMH or ODADAS pending on July 1, 2013, is not affected by the transfer of responsibility to ODMHAS and will be prosecuted or defended in the name of ODMHAS.

(2) Requires in all such actions and proceedings, ODMHAS, on application to the court, be substituted as a party.

MHACD17 Prevention and Wellness**Section: 331.40**

Requires up to \$1.5 million of GRF line item 336406, Prevention and Wellness, in each fiscal year be used to expand evidence-based prevention resources statewide.

Requires up to \$1.0 million of GRF line item 336406, Prevention and Wellness, in each fiscal year be used to support and expand suicide prevention efforts.

MHACD18 Hospital Services**Section: 331.50**

Requires GRF line item 336412, Hospital Services, be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by ODMHAS Director.

Permits a portion of GRF line item 336412, Hospital services, to be used by ODMHAS to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to ODMHAS in other clinically appropriate environments, consistent with public safety.

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MHACD20 Mental Health Facilities Lease-Rental Bond Payments**Section: 331.60**

Requires GRF line item 336415, Mental Health Facilities Lease-Rental Bond Payments, be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by ODMHAS under leases and agreements made under section 154.20 of the Revised Code.

MHACD19 Continuum of Care Services**Section: 331.70**

Requires a portion of GRF line item 336421, Continuum of Care Services, be allocated to community ADAMHS boards in accordance with a distribution methodology determined by the ODMHAS Director for the boards to purchase mental health and addiction services.

Permits an ADAMHS board to use funds provided by GRF line item, 336421, Continuum of Care Services, to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication.

Permits an ADAMHS board to use funds provided by GRF line item, 336421, Continuum of Care Services, to provide subsidized support for medication assisted treatment costs.

Permits a portion of GRF line item 336421, Continuum of care Services, to be distributed to ADAMHS boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of mental health and addiction services initiatives.

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MHACD21 Criminal Justice Services**Section: 331.80**

Requires GRF line item 336422, Criminal Justice Services, be used to provide forensic psychiatric evaluations 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 line item to be allocated through community ADAMHS boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the ODMHAS Director.

Requires up to \$1.0 million of GRF line item 336422, Criminal Justice Services, in each fiscal year be used to support specialty dockets and expand and/or create new certified court programs.

Permits GRF line item 336422, Criminal Justice Services, be also used to do the following:

- (1) Provide forensic monitoring and tracking of individuals on conditional release;
- (2) Provide forensic training;
- (3) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;
- (4) Provide specialized re-entry services to offenders leaving prisons and jails;
- (5) Provide specific grants in support of addiction services alternatives to incarceration; and
- (6) Support therapeutic communities.

MHACD22 Addiction Treatment Program for Specialized Docket Programs**Section: 331.90**

Requires ODMHAS conduct a pilot program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a certified drug court program, and are selected to be participants because of their dependence on opioids, alcohol, or both.

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Requires ODMHAS conduct the program in those courts of Crawford, Franklin, Hardin, and Mercer counties that are conducting certified drug court programs.

Requires ODMHAS to conduct the program in a court that is conducting a certified drug court program in another county if any of these counties has no court conducting a certified drug court program.

Permits ODMHAS to conduct the program in any court that is conducting a certified drug court program in a county other than Crawford, Franklin, Hardin, and Mercer counties.

Requires ODMHAS collaborate with the Supreme Court, Department of Rehabilitation and Correction, and any agency of the state that ODMHAS determines may be of assistance in accomplishing the objectives of the program.

Permits ODMHAS to collaborate with ADAMHS boards and local law enforcement agencies that serve the counties in which a court participating in the program is located.

Requires a certified drug court program to select criminal offenders to be participants in the pilot program.

Caps the number of participants in the pilot program at 500 unless ODMHAS authorizes the maximum number to be exceeded in circumstances the Department considers to be appropriate.

Requires the treatment provided in a certified drug court program be provided by a certified community addiction services provider.

Requires specified services and duties to be provided and performed by a certified community addiction services provider for the pilot program.

Requires a report of the findings of the pilot be prepared by a research institution and include data derived from the testing and performance measures used in the program.

Requires the research institution complete its report not later than December 31, 2015.

Requires the report, upon its completion, to be submitted to the Governor, the Chief Justice of the Ohio Supreme Court, President of the Senate, Speaker of the House of Representatives, ODMHAS, Department of Rehabilitation and Correction, and any other state agency that ODMHAS collaborates with in conducting the pilot program.

Requires up to \$2.5 million in each fiscal year of GRF line item 336422, Criminal Justice Services, be used to support the pilot program.

Executive**MHACD14 Bureau of Recovery Services****Section: 331.100**

Transfers the Bureau of Recovery Services (BRS) in the Department of Rehabilitation and Correction to ODMHAS.

Transfers all BRS employees to ODMHAS.

Specifies all of the following:

- (1) Any rules, orders, and determinations pertaining to BRS continue in effect until modified or rescinded by ODMHAS.
- (2) Any reference to BRS is deemed to refer to ODMHAS or its director, as appropriate.
- (3) No pending proceeding is affected by the transfer, and must be prosecuted or defended in the name of ODMHAS or its director.
- (4) No right, obligation, or remedy is lost or impaired by the transfer, and must be administered by ODMHAS.

Requires on July 1, 2015, or as soon as possible thereafter, the OBM Director to cancel any existing encumbrances against GRF line item 505321, Institutional Medical Services, used by the Department of Rehabilitation and Correction, that pertain to the Bureau of Recovery Services in the Department of Rehabilitation and Correction.

Requires the canceled encumbrances be reestablished against GRF line item 336423, Addiction Services Partnership with Corrections, used by the Department of Mental Health and Addiction Services. Reappropriates the reestablished encumbrance amounts.

Requires any business commenced but not completed under GRF line item 505321, Institutional Medical Services, pertaining to the Bureau of Recovery Services to be completed under GRF line item 336423, Addiction Services Partnership with Corrections, in the same manner, and with the same effect, as if completed with regard to GRF line item 505321, Institutional Medical Services.

MHACD23 Recovery Housing Appropriation**Section: 331.110**

Requires GRF line item 336424, Recovery Housing, be used to expand and support access to recovery housing.

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Defines recovery housing.

Permits medication-assisted treatment in recovery housing.

Requires ODMHAS to prioritize support for projects in counties of the state that are underserved or do not currently have recovery housing stock.

Requires ODMHAS to develop procedures to administer these funds in a manner that is consistent with current community capital assistance guidelines.

MHACD24**Community Innovations****Section: 331.120**

Permits GRF line item 336504, Community Innovations, be used by ODMHAS to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

Requires the ODMHAS Director to identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions.

Grants the ODMHAS Director discretion to transfer money from GRF line item 336504, Community Innovations, to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes.

Requires ODMHAS to enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Requires up to \$3.0 million of GRF line item 336504, Community Innovations, in each fiscal year be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and

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crisis intervention.

Requires up to \$500,000 of GRF line item 336504, Community Innovations, in each fiscal year be used to enhance access to Naloxone across the state.

Requires up to \$3.0 million of GRF line item 336504, Community Innovations, in each fiscal year be used to improve collaboration between local jails, state hospitals, and treatment providers in order to reduce transfers, improve safety and judicial oversight as well as address capacity issues in both jails and state hospitals.

Requires up to \$100,000 of GRF line item 336504, Community Innovations, in each fiscal year be used to continue ODMHAS cross-agency efforts to share evidence-based practices that encourage the use of trauma-informed care.

Requires up to \$1.0 million of GRF line item 336504, Community Innovations, in each fiscal year be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery.

MHACD15 Early Childhood Mental Health Counselors and Consultation**Section: 331.140**

Requires GRF line item 336511, Early Childhood Mental Health Counselors and Consultation, be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions.

Requires funds be used by ODMHAS to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

MHACD16 Medicaid Support**Section: 331.143**

Requires ODMHAS to administer specified Medicaid services as delegated by the State's single agency responsible for the Medicaid Program.

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Requires ODMHAS use GRF line item 652321, Medicaid Support, to fund the Medicaid-related services and supports performed by the Department.

MHACD25 Problem Gambling and Casino Addictions**Section: 331.150**

Requires a portion of line item 336629, Problem Gambling and Casino Addictions, be allocated to ADAMHS boards in accordance with a distribution methodology determined by the ODMHAS Director.

MHACD26 Family and Children First Flexible Funding Pool**Section: 331.160**

Permits a county family and children first council to establish 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 the operation of the flexible funding pools be subject to the following restrictions:

- (1) Requires the county council to establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;
 - (2) Requires the county council to produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;
 - (3) Permits, unless otherwise restricted, funds transferred to the flexible funding pool to include state general revenues allocated to local entities to support the provision of services to families and children;
 - (4) Requires the amounts transferred to the flexible funding pool to be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and
 - (5) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.
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MHACD13 Medicaid spending as maintenance of effort**Section: 331.170**

Requires the designation of administering agency for federal aid be held jointly by ODMHAS and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30.

Keeps ODMHAS as the designated agency for all other purposes established by 42 U.S.C. 300x et. seq. and section 5119.32 of the Revised Code.

MHACD27 Access Success II Program**Section: 331.180**

Permits, to the extent cash is available, the Director of Budget and Management to transfer 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.

Appropriates the transferred cash.

Requires ODMHAS to use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

MHACD29 Fund abolishments**Section: 512.60**

Abolishes the Medicaid Legacy Costs Support Fund (Fund 3J80) and transfers the balance to the Community Medicaid Fund (Fund 3B10).

Abolishes the following funds and transfers the balances to the Mental Health Trust Fund (Fund 4P90):

(1) Recovery Assistance Fund (Fund 5DG0),

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- (2) Revolving Loans for Recovery Homes Fund (4C50),
 - (3) Tobacco Use Prevention and Control Fund (5BR0),
 - (4) Criminal Justice Prevention and Treatment Collaborative (Fund 5DV0),
 - (5) Non-Federal Grant Fund (Fund 5V20),
 - (6) Board Match Reimbursement Fund (Fund 5JW0), and
 - (7) Mental Health Board Risk Fund (Fund 6920).
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Executive**MCDCD18 State plan home and community-based services****Section: 327.190**

Permits, during FY 2016 and FY 2017, Medicaid to cover state plan home and community-based services for Medicaid recipients of any age who have behavioral health issues and countable incomes not exceeding 150% of the federal poverty line. Specifies that a recipient is not required to undergo a level of care determination to be eligible.

Allows the Medicaid Director to adopt rules to implement this as necessary.

Fiscal effect: Potential increase in Medicaid costs to cover this population; the increase will depend on the number of eligible individuals.
