



# Ohio Legislative Service Commission

*Deauna Hale*

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## Fiscal Note & Local Impact Statement

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**Bill:** [H.B. 281 of the 128th G.A.](#)

**Date:** December 15, 2009

**Status:** As Introduced

**Sponsor:** Rep. Yuko

**Local Impact Statement Procedure Required:** No — Permissive

**Contents:** Permits additional health care professionals to take certain persons into custody and transport those persons to a hospital

### State Fiscal Highlights

- No apparent fiscal effect on the state.

### Local Fiscal Highlights

- The bill may result in a negligible decrease in costs to local law enforcement, whose assistance may no longer be necessary when a licensed health care professional, to whom the bill applies, believes that a person needs to be taken into custody and transported to a hospital.

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## Detailed Fiscal Analysis

Under current law certain people may take a person into custody and transport them to a hospital when the person is deemed to be mentally ill and represents a substantial risk of physical harm to self or others. The person making the transport must provide a written statement including the circumstances under which the person was taken into custody and reason for the belief that transport to a hospital is necessary. The statement must be provided to the person being taken into custody or their attorney upon request. Every reasonable and appropriate effort must be made to take the person into custody in the least conspicuous manner possible and the person being transported must be told the name, professional designation, and agency affiliation of the person taking them into custody; that the custody taking is not a criminal arrest; and that the person is being taken for examination to a mental health facility specified by name. An initial examination must be completed at the hospital within 24 hours after which the chief clinical officer of the hospital must make a decision, pursuant to existing law, whether there is probable cause to hold the person or if the person should be released.

The bill extends the authority to take a person into custody and transport them to a hospital, for the same reasons using the process stated above, to licensed professional clinical counselors, licensed independent social workers, licensed independent marriage and family therapists, and registered nurses who hold a certificate of authority that authorizes the practice of nursing as a certified nurse practitioner or clinical nurse specialist and who practice the nursing specialty of mental health or psychiatric mental health. In some instances, these health care professionals may already take a person into custody and transport them to a hospital under current law if they are authorized or designated as health officers (R.C. 5122.01(J)). If not an authorized or designated health officer, these health care professional must contact local law enforcement to take a person into custody and transport them to a hospital. The bill may reduce the need for those health care professionals, who are not designated health officers, to contact local law enforcement for custody taking and transport. As a result, local law enforcement costs could decrease. According to a spokesperson for the Buckeye State Sheriff's Association, on average, law enforcement transports about one patient per week; therefore, any decrease in costs will be negligible.