

Executive

In House Finance and Appropriations

**DMHCD3 Contract Dispute Process Regarding ADAMHS Boards and Providers**

**R.C. 340.03**

Restores law eliminated by H.B. 153 regarding ODMH's involvement in a contract dispute between a board of alcohol, drug addiction, and mental health services and a community mental health agency or facility.

**Fiscal effect: Potential increase in costs.**

**R.C. 340.03**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**DMHCD5 Incompetency to Stand Trial; Not Guilty by Reason of Insanity**

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

Allows the commitment of a defendant found incompetent to stand trial to specified types of facilities for treatment or evaluation upon court approval following a hearing.

Eliminates the requirement that an examiner of a defendant who may be incompetent to stand trial or not guilty by reason of insanity and is charged with a nonviolent misdemeanor give a recommendation regarding the defendant's amenability to engagement in mental health treatment or developmental disability services.

Eliminates a prosecutor's authority to hold in abeyance non-violent misdemeanor charges against a defendant found incompetent to stand trial while the defendant engages in mental health treatment or developmental disability services.

Allows the commitment of a defendant found by clear and convincing evidence to have committed the charged offense and to be mentally ill or mentally retarded and subject to hospitalization or institutionalization by court

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

Same as the Executive.

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

In House Finance and Appropriations

order to specified types of facilities and requires reports by the facility on the defendant's condition.

Allows commitment of a defendant who is not guilty by reason of insanity and is found by clear and convincing evidence to be mentally ill or mentally retarded and subject to hospitalization or institutionalization by court order to specified types of facilities upon court approval and requires reports by the facility on the defendant's condition; and provides for input of the community mental health or ADAMH board into a plan for a defendant who is recommended for termination of commitment.

**Fiscal effect: Potential savings in administrative and court costs.**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

DMHCD4

Adult Care Facilities and Residential Facilities

R.C. *5119.22, Repealed: R.C. 340.05, 3781.183, 5119.614, 5119.70-5119.88, 5119.99. Makes conforming changes in various other R.C. sections; Section 751.10.10*

Eliminates separate licensing procedures that apply to ODMH's licensure of adult care facilities and residential facilities for persons with mental illness, and makes adult care facilities a type of ODMH-licensed residential facility.

Specifies that ODMH licensure is required to operate a residential facility serving: (1) children with serious emotional disturbances or in need of mental health services, and (2) adults who are recipients under the Residential State Supplement program.

Adds provisions to the law governing ODMH-licensed residential facilities that are based on existing provisions in the adult care facilities law, including authority for ODMH

R.C. *5119.22, Repealed: R.C. 340.05, 3781.183, 5119.614, 5119.70-5119.88, 5119.99. Makes conforming changes in various other R.C. sections; Section 751.10.10*

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive

In House Finance and Appropriations

to: (1) issue an order suspending the admission of residents if a facility is violating any licensing requirement, (2) inspect facilities operating without a license, and (3) charge nonrefundable license and renewal fees.

Adds provisions that pertain to matters of local zoning.

Same as the Executive.

Permits, rather than requires, ODMH to impose a monetary penalty against a person for violating the residential facility licensing laws, increases the penalty to \$500 (from \$100) for a first offense and to \$1,000 (from \$500) for each subsequent offense, and eliminates a provision specifying the state fund that receives the amounts collected.

Same as the Executive.

Grants qualified immunity from civil liability and criminal prosecution to a person making a complaint regarding a residential facility.

Same as the Executive.

Requires the ODMH Director to adopt rules establishing: (1) procedures for conducting criminal records checks of prospective operators of a residential facility/staff, (2) procedures for notify the ADAMHS board when a facility is serving residents with mental illness or severe mental disability, and (3) standards and procedures permitting the ODMH Director to waive any of the residential facility licensure rules.

Same as the Executive.

**Fiscal effect: Potential minimal decrease in administrative costs. Potential gain in revenue for violating the residential facility licensing laws.**

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

**DMHCD1 Residential State Supplement Program Administrative Agency**

**R.C. 5119.69, 340.091, 5119.61, 5119.691**

Specifies that if ODMH does not designate an entity to serve as an area's residential state supplement administrative agency, ODMH is responsible for administering the Residential State Supplement (RSS) Program in that area.

Makes clarifying changes regarding the process for approval of living arrangements under the RSS Program for persons with mental disabilities.

**Fiscal effect: None.**

**R.C. 5119.69, 340.091, 5119.61, 5119.691**

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**DMHCD2 Exchange of Confidential Health Information by ODMH**

**R.C. 5122.31**

Authorizes ODMH to exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health agencies to ensure continuity of care for inmates or offenders who are receiving mental health services in a Department of Rehabilitation and Correction institution and are scheduled for release within six months.

Eliminates ODMH's duty to notify an inmate and receive his/her consent before disclosing psychiatric hospitalization records, other mental health treatment records, and other pertinent information to the Department of Rehabilitation and Correction for purposes of ensuring the inmate's continuity of mental health care.

**R.C. 5122.31**

Same as the Executive.

Same as the Executive.

**Executive**

**In House Finance and Appropriations**

Eliminates a requirement that the custodian of records in an ODMH hospital, institution, or facility, a community mental health agency, or an ODMH-licensed hospital attempt to obtain patient consent before disclosing the patient's records to a payer or health care provider if the purpose of the exchange is to facilitate continuity of care.

Same as the Executive.

**Fiscal effect: Potential savings.**

**Fiscal effect: Same as the Executive.**

Executive

In House Finance and Appropriations

**Medicaid**

JFSCD9

Uniform Eligibility Standards and Procedures

R.C. 121.35

Requires the Departments of Aging, Alcohol and Drug Addiction Services, Development, Developmental Disabilities, Education, Health, Job and Family Services, Mental Health, and Rehabilitation Services Commission to collaborate to revise eligibility standards and eligibility determination procedures of programs they administer for the purpose of making the standards and procedures more uniform.

**Fiscal effect: None.**

R.C. 121.35

Same as the Executive.

**Fiscal effect: Same as the Executive.**