

Department of Mental Health			Main Operating Appropriations Bill		H. B. 1
Executive			As Passed by the House		As Reported by Senate Finance and Financial Institutions
1	DMH - 20	Ohio Family and Children First Cabinet Council			
			R.C. 121.37		R.C. 121.37
	No provision.		Adds the Directors of Aging and Rehabilitation and Corrections as members of the Ohio Family and Children First Cabinet Council.		Same as the House.
			Fiscal effect: Increase in costs for the Departments of Aging and Rehabilitation and Correction and an increase in revenue for DMH, which acts as the fiscal agent for the Ohio Family and Children First Cabinet Council, since state agencies represented on the Council share the Council's operating costs.		Fiscal effect: Same as the House.
2	DMH - 17	Care Coordination Information			
			R.C. 121.375		R.C. 121.375
	No provision.		Permits a care coordination agency to provide certain information to the Ohio Family and Children First Cabinet Council regarding care coordination for at-risk individuals and permits the Council to use the information to help improve care coordination for at-risk individuals throughout the state.		Same as the House, but (1) permits the Cabinet Council to give incentives to encourage care coordination agencies to provide the information and (2) requires the Cabinet Council to adopt rules defining the terms "at-risk individual" and "care coordination agency" rather than having the statute define the terms.
			Fiscal effect: None.		Fiscal effect: Minimal increase in administrative costs for the Cabinet Council to promulgate rules and potential increase in costs to provide incentives to care coordination agencies.

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3	DMH - 21	Ohio Family and Children First Cabinet Council			
		No provision.	No provision.	R.C. 121.376	Requires each public children services agency to annually report to the Family and Children First Cabinet Council the number of times during the previous calendar year that a parent, guardian, or legal custodian voluntarily surrendered custody of a mentally ill child to the agency for the sole purpose of qualifying the child for government funded mental health services.
		No provision.	No provision.		Requires the Council to submit an annual report of the results to the President of the Senate and the Speaker of the House.
4	DMH - 3	ODMH Purchasing Program			
		R.C. 5119.16, 5120.09	R.C. 5119.16, 5120.09	R.C. 5119.16, 5120.09	
		Permits, rather than requires, ODMH to provide goods and services, including medical supplies, drugs, food, and related procurement, storage, and distribution services, to the following: (1) the Department of Rehabilitation and Correction and other specified state departments, (2) other state, county, and municipal agencies, and (3) ODMH institutions and state-operated community-based mental health services.	Same as the Executive.		Same as the Executive.
		Eliminates the specific process to be used by recipients of ODMH services in attempting to resolve issues of unsatisfactory service from ODMH.	Same as the Executive.		Same as the Executive.
		Fiscal effect: Potential revenue loss and expenditure savings, net annual effect uncertain.	Fiscal effect: Same as the Executive.		Fiscal effect: Same as the Executive.

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5	DMH - 2	Information Systems Maintained by ODMH	
R.C.	5119.61	R.C.	5119.61
Expressly authorizes ODMH to develop and operate more than one community mental health information system.		Same as the Executive.	
Modifies the existing prohibition on the collection of identifying information by ODMH from ADAMHS boards by specifying that (1) the prohibition applies to the collection of information that is personal, (2) the prohibition does not apply when state or federal law allows the collection (rather than only when the law requires the collection) and (3) the collection must be for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.		Same as the Executive.	
Fiscal effect: Potential increase in costs for ODMH to develop and implement additional information systems.		Fiscal effect: Same as the Executive.	
6	DMH - 1	Allocation of Funds for Local Management of Mental Health Services; Funds for Administrative Purposes	
R.C.	5119.622, 5119.621	R.C.	5119.622, 5119.621
Requires ODMH, when allocating funds for the local management of mental health services, to specify (1) the maximum portion of the funds that an ADAMHS board or group of boards may use for administrative purposes and (2) the permissible uses of the funds for administrative purposes.		Same as the Executive, but clarifies that the funds being allocated are state and federal funds and permits the ODMH Director to establish either a maximum "amount" or "portion" of the funds that may be used for administrative purposes.	
Permits ODMH to distribute funds for the local management of mental health services to groups of ADAMHS boards on a regional or statewide basis.		Replaces the Executive provision with a provision that permits the ODMH Director, when allocating state General Revenue Fund (GRF) money for the local management of mental health services, to allocate the money to groups of	
		No provision.	
		No provision.	

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Permits an ADAMHS board or group of boards to request a variance or waiver from the ODMH's determination of the maximum portion of the funds that may be used for administrative purposes, and specifies that the ODMH Director has sole discretion to approve or deny the request.	two or more boards (instead of separate boards) if the boards in each group agree to the group allocation. Same as the Executive, but permits an ADAMHS board or group of boards to seek a variance or waiver from ODMH's determination of either a maximum "amount" or "portion" of state and federal funds that may be used for administrative purposes.	No provision.
Requires an ADAMHS board or group of boards to account for its use of funds for administrative purposes by submitting an annual report to ODMH.	Same as the Executive.	No provision.
No provision.	Permits the ODMH Director to deny funds to an ADAMHS board that exceeds the limit the Director establishes on the amount or portion of state and federal funds that may be used for administrative purposes.	No provision.

7	DMH - 15	Disclosure of Hospital Psychiatric Records to Other Health Care Professionals	
		R.C. 5122.31	R.C. 5122.31
No provision.		Specifies that the prohibition against disclosing, without patient consent, certain documents related to a patient's hospitalization for a psychiatric condition does not apply when the exchange is between both of the following: (1) ODMH hospitals, other ODMH institutions and facilities, or community mental health agencies and (2) other providers of treatment and health services for a patient.	Same as the House.
No provision.		Provides that the purpose of the exchange must be to facilitate the patient's continuity of care.	Same as the House.
No provision.		Requires the custodian of records of an ODMH hospital, institution, or facility, or of a community mental health agency, to attempt to obtain patient consent before the	Same as the House.

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			documents are disclosed. Fiscal effect: May reduce administrative costs to obtain documents, but may minimally increase administrative costs to obtain consent from patients for record disclosure.	Fiscal effect: Same as the House.
8	DMH - 16	Regional Care Coordination Hubs	Sections: 335.10, 335.40.15	
No provision.			Earmarks \$130,000 in each fiscal year of GRF appropriation item 335405, Family & Children First, to each of the regional care coordination hubs to be used to (1) help care coordination agencies, (2) collect certain information from care coordination agencies, and (3) compile the information and provide it to the hubs' governing boards and the Ohio Family and Children First Cabinet Council.	No provision.
No provision.			Earmarks \$124,000 in each fiscal year of GRF appropriation item 335405, Family & Children First, to the Ohio Family and Children First Cabinet Council to be used to provide support services to the regional care coordination hubs, receive the information the regional care coordination hubs provide to the Council, and use the information to help improve care coordination services throughout the state.	No provision.

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9	DMH - 18	Medicaid Rates for Community Behavioral Health Services	
		Sections: 335.10, 335.40.30	
No provision.		Requires that \$669,912 in FY 2010 and \$1,261,286 in FY 2011 of GRF appropriation item 335505, Local Mental Health Systems of Care, be provided to local boards to pay the nonfederal share of the 1/2% increase in the Medicaid reimbursement rate ceilings for Medicaid-covered community behavioral health services. (The provision that increases the provider rate is in the Department of Job and Family Services in Section 309.30.75 of the bill.)	No provision.

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10	DMH - 6	Forensic Services			
		Section: 335.10.10	Section: 335.10.10	Section: 335.10.10	
		Restricts how funds in GRF appropriation item 322401, Forensic Services, are to be used as follows: (1) to provide psychiatric services to courts of common pleas; (2) funds must be allocated through community mental health boards to certified community agencies in accordance with administrative rule and may also be used for forensic training to community mental health boards and to forensic psychiatric residency programs in state psychiatric hospitals and to provide psychiatric evaluations of patients of forensic status in ODMH facilities prior to conditional release to the community; (3) may be used to support projects involving mental health or substance abuse and to 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; and (4) may also be used to provide forensic monitoring and tracking in addition to community programs serving persons of forensic status on conditional release or probation.	Same as the Executive.	Same as the Executive.	
11	DMH - 7	Residency Traineeship Programs			
		Section: 335.20.10	Section: 335.20.10	Section: 335.20.10	
		Requires that GRF appropriation item 333402, Resident Trainees, be used to fund training agreements entered into by ODMH for the development of curricula and the provision of training programs to support public mental health services.	Same as the Executive.	Same as the Executive.	

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12	DMH - 8	Pre-Admission Screening Expenses		
Section: 335.20.20			Section: 335.20.20	Section: 335.20.20
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.			Same as the Executive.	Same as the Executive.
13	DMH - 9	Lease-Rental Payments		
Section: 335.20.30			Section: 335.20.30	Section: 335.20.30
Specifies that ODMH must pay to the Ohio Public Facilities Commission from GRF appropriation item 333415, Lease-Rental Payments, pursuant to leases and agreements made under state law regarding capital facilities for mental hygiene and retardation. 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.			Same as the Executive.	Same as the Executive.

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14	DMH - 10	Behavioral Health Medicaid Services		
Section: 335.20.40 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. Fiscal effect: May result in increased administrative costs to administer Medicaid services delegated by ODJFS.			Section: 335.20.40 Same as the Executive. Fiscal effect: Same as the Executive.	Section: 335.20.40 Same as the Executive. Fiscal effect: Same as the Executive.
15	DMH - 11	Community Mental Health Board Risk Fund		
Section: 335.30.10 Requires that SSR Fund 6920 appropriation item 334636, Community Mental Health Board Risk Fund, be used to assist local boards that elect to participate in the fund and that serve areas in which the costs of utilizing state hospitals by residents in a fiscal year exceeds the amount allocated to the local board by ODMH.			Section: 335.30.10 Same as the Executive.	Section: 335.30.10 Same as the Executive.

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16	DMH - 12	Behavioral Health Services - Children
<div>Section: 335.40.10</div> <div>Requires the following regarding GRF appropriation item 335404, Behavioral Health Services-Children: (1) That the funds be used to provide behavioral health services for children and their families, including mental health and alcohol and other drug treatment services and other necessary supports; (2) That ODMH distributes funds to local boards based on a distribution formula approved by the Director of Mental Health; (3) That the funds be used in accordance with a local board's community mental health plan and in conjunction with the local Family and Children First Council. Requires the Ohio Family and Children First Cabinet Council to define a System of Care guidance process to guide the collaborative services provided by the local board and the local Family and Children First Council.</div> <div>No provision.</div>	<div>Section: 335.40.10</div> <div>Same as the Executive.</div> <div>Earmarks \$1 million in each fiscal year of GRF appropriation item 335404, Behavioral Health Services - Children, for behavioral health treatment services for children under age seven and their families and specifies that amount is to be distributed to the ADAMHS and CMHS boards based on community-need as determined by the Director of Mental Health.</div>	<div>Section: 335.40.10</div> <div>Same as the Executive.</div> <div>Same as the House.</div>

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17	DMH - 13	Community Medication Subsidy	
Section: 335.40.20		Section: 335.40.20	Section: 335.40.20
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.		Same as the Executive.	Same as the Executive.
18	DMH - 14	Local Mental Health Systems of Care	
Section: 335.40.30		Section: 335.40.30	Section: 335.40.30
Requires that GRF appropriation item 335505, Local Mental Health Systems of Care, be used for mental health services provided by community mental health boards in accordance with an ODMH-approved community mental health plan.		Same as the Executive.	Same as the Executive.
19	DMH - 4	Advisory Group Regarding Medicaid-Covered Community Behavioral Health Services	
Section: 729.10		Section: 751.10	Section: 751.10
Creates the Medicaid Elevation Advisory Group.		Same as the Executive, but renames the Group the Medicaid Community Behavioral Health Elevation and Administration Advisory Group.	Same as the Executive, but renames the Group the Medicaid Community Behavioral Health Administration Advisory Group.
Provides for the following to serve on the Group: (1) the ODMH and ODADAS Directors or their designees, (2) representatives of ADAMHS boards, (3) representatives of providers of community behavioral health services, (4) consumers of community behavioral health services and advocates of consumers, and (5) certain state policy makers.		Same as the Executive, but (1) adds the ODJFS Director or the Director's designee to the Group and (2) permits various organizations to nominate individuals to serve on the Group.	Same as the House.

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<p>Requires the Group to study the issue of transferring the responsibility for paying providers of Medicaid-covered community behavioral health services and related management responsibilities to ODMH and ODADAS from ADAMHS boards.</p> <p>Requires the Group to issue a report regarding its study not later than June 30, 2010, and requires the report to include (1) a fiscal analysis of the impact that transferring payment responsibility and related management responsibilities would have on ODMH, ODADAS, and the ADAMHS boards, (2) recommendations for increasing efficiencies, and (3) recommendations for system changes needed to transfer payment responsibility to ODMH and ODADAS.</p> <p>Requires ODMH and ODADAS to assume responsibility for paying providers of Medicaid-covered community behavioral health services and related management responsibilities not later than July 1, 2011, but provides that the Departments' assumption of the payment and related management responsibilities is subject to any necessary changes in state law, including changes related to funding.</p> <p>Fiscal effect: Minimal increase in ODMH's and ODADAS' costs to produce the required report. May cause minimal increase in ODMH's and ODADAS' costs to reimburse members for travel expenses.</p>	<p>Replaces the Executive provision with a provision that requires the Group to study the statewide administration and management of Medicaid-covered community behavioral health services.</p> <p>Same as the Executive, but requires the report to include instead (1) a plan for the statewide administration and management of Medicaid-covered community behavioral health services, (2) a fiscal analysis of the impact any changes to the system of paying providers and related management functions would have on ODMH, ODADAS, and the ADAMHS boards, (3) recommendations for increasing efficiencies, and (4) recommendations for system changes needed to implement the statewide administration and management of the Medicaid-covered community behavioral health services.</p> <p>Replaces the Executive provision with a provision that requires ODMH and ODADAS to implement, under ODJFS's supervision, changes to the administration and management of Medicaid-covered community behavioral health services (including changes to the system of paying providers) not later than July 1, 2011, but provides that the implementation of the changes is subject to enactment or adoption of any necessary changes in state law, including changes related to funding.</p> <p>Fiscal effect: Same as the Executive.</p>	<p>Same as the House, but removes the requirement that the administration and management being studied be statewide.</p> <p>Same as the House, but (1) removes the requirement that the administration and management be uniform and statewide, (2) requires the fiscal analysis to be of the impact that changing the entity responsible for paying providers would have on ODMH, ODADAS, and the ADAMHS boards, and (3) requires the recommendations regarding system changes be for system changes needed for the effective administration and management of Medicaid-covered community behavioral health services.</p> <p>Replaces the House provision with a provision that permits ODMH and ODADAS to implement, under ODJFS's supervision, the Group's recommendations, but provides that implementation of the recommendations is subject to changes in any conflicting state law, including changes related to funding.</p> <p>Fiscal effect: Same as the Executive.</p>

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20	DMH - 19	Community Behavioral Health Services Study	<div>Section: 751.13</div> <div>No provision.</div> <div>Requires the Mental Health Director, ODADAS Director, and ODJFS Director to convene a group to develop recommendations regarding the amount, duration, and scope of publicly funded community behavioral health services that should be available through Ohio's community behavioral health system.</div> <div>Fiscal effect: Minimal increase for the participating agencies to produce the required report.</div>	<div>Section: 751.13</div> <div>Same as the House.</div> <div>Fiscal effect: Same as the House.</div>

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21	GOV - 1	Service Coordination Workgroup
<div>Section: 751.20</div> <div>(1) Creates the Service Coordination Workgroup to develop procedures for coordinating services that any of the following provide to individuals under age 21 and their families: the Office of the Governor, the Departments of Alcohol and Drug Addiction Services, Education, Health, Job and Family Services, Mental Health, Mental Retardation and Developmental Disabilities, and Youth Services; the Office of Budget and Management; and the Family and Children First Cabinet Council.</div> <div>(2) Requires the Workgroup, not later than July 31, 2009, to submit a report to the Governor with recommendations for implementing the procedures.</div> <div>(3) Permits the Director of Budget and Management to seek Controlling Board approval to transfer cash and appropriations as necessary to implement the Workgroup's recommendations.</div> <div>Fiscal effect: Since the representative of the Governor's Office is to serve as the chairperson of the Council, this provision may cause a minimal increase in the Governor's Office's costs to produce the workgroup's report.</div>	<div>Section: 751.20</div> <div>(1) Same as the Executive.</div> <div>(2) Same as the Executive.</div> <div>(3) Same as the Executive.</div> <div>Fiscal effect: Same as the Executive.</div>	<div>Section: 751.20</div> <div>(1) Same as the Executive.</div> <div>(2) Same as the Executive.</div> <div>(3) No provision.</div> <div>Fiscal effect: Same as the Executive.</div>

Executive

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Medicaid

22	JFS - 126	Funding of Medicaid-Covered Community Behavioral Health Services		
				R.C. 5111.023, 5111.912, 5111.913
No provision.		No provision.		Provides that a community behavioral health board is (1) required to use state funds provided to the board for the purpose of funding community behavioral health services to pay a provider for services under a Medicaid component ODMH or ODADAS administers and (2) permitted to use money raised by a county tax levy to make the payment if using the money for that purpose is consistent with the purpose for which the tax was levied.
No provision.		No provision.		Provides that the comprehensive annual plan is permitted, rather than required, to certify the availability of unencumbered community mental health local funds to match Medicaid reimbursement funds earned by community mental health facilities.
Fiscal effect: None.				
23	JFS - 82	Medicaid Rates for Community Behavioral Health Services		
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Fiscal effect: Funding for the rate increase is provided through earmarks in the Departments of Mental Health and Alcohol and Drug Addiction Services.

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24	DRC - 11	Laboratory Services	<div><div>R.C. 5120.135</div><div>(1) No provision.</div><div>(2) No provision.</div></div>	<div><div>(1) No provision.</div><div>(2) No provision.</div></div>
			<div>(1) Permits, rather than requires, the Department of Rehabilitation and Correction to provide laboratory services to the departments of Mental Health, Mental Retardation and Developmental Disabilities, Youth Services, and Rehabilitation and Correction.</div> <div>(2) Eliminates a provision that establishes a resolution process for the departments to follow if the Department of Rehabilitation and Correction provides unsatisfactory laboratory services.</div> <div>Fiscal effect: Potential revenue loss and expenditure savings, net annual effect uncertain.</div>	

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Local Government Provisions

25	MIS - 13	Land Conveyance from ODMH to Dayton Public School District/Dayton Board of Education	
		Section: 753.20	
No provision.		Conveys about 45 acres from the state (DMH) to the Dayton Public School District.	No provision.
No provision.		Specifies that the cost of the above conveyance is to convey about 9 acres of land adjacent to the remaining Twin Valley Behavioral Healthcare - Dayton Campus from the Dayton Public School District to the state subject to certain conditions; if the conditions are not met, in lieu of conveying the 9 acres to the state, requires the school district to pay \$1,175,000, into the Mental Health Trust Fund (Fund 4P90) for the 45 acres of land.	No provision.
No provision.		Requires the Auditor of State, with the Attorney General's assistance, to prepare a deed stating the consideration, and requires the school district to present the deed for recording in the Montgomery County Recorder's office and pay all costs associated with conveyance of the real estate transferred to the state, including recordation costs of the deed.	No provision.
No provision.		Prohibits the school district, during any period that any bonds issued by the state to finance or refinance all or a portion of the real estate are outstanding, from using any portion of the real estate for a private business use without the state's prior written consent.	No provision.
		Fiscal effect: Reduces DMH's land maintenance costs and increases costs to the school district to meet the conditions of the conveyance.	