

**As Re-referred by the House Health and Aging Committee**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 369**

**Representative Sprague**

**Cosponsors: Representatives Antonio, Boose, Buchy, Butler, Letson,**

**Patterson, Scherer, Sears, Sheehy, Smith, Wachtmann**

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**A B I L L**

To amend sections 340.01, 340.03, 340.08, 340.09, 1  
340.15, 5119.01, 5119.21, 5119.22, 5119.23, 2  
5119.25, and 5119.34 and to enact sections 3  
340.092, 340.20, 340.201, 5119.221, 5119.222, and 4  
5119.362 of the Revised Code, and to repeal 5  
Section 327.83 of Am. Sub. H.B. 59 of the 130th 6  
General Assembly, to establish requirements for 7  
boards of alcohol, drug addiction, and mental 8  
health services regarding treatment services for 9  
opioid and co-occurring drug addiction; to require 10  
adoption of rules regarding intake and resumption 11  
of service procedures for community alcohol and 12  
drug addiction services providers; to help defray 13  
payroll costs associated with a court's employment 14  
of drug court case managers; to provide a state 15  
share of the capital costs of recovery housing 16  
projects; and to make appropriations. 17

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 340.01, 340.03, 340.08, 340.09, 18  
340.15, 5119.01, 5119.21, 5119.22, 5119.23, 5119.25, and 5119.34 19

be amended and sections 340.092, 340.20, 340.201, 5119.221, 20  
5119.222, and 5119.362 of the Revised Code be enacted to read as 21  
follows: 22

**Sec. 340.01.** (A) As used in this chapter, ~~"addiction,"~~ 23

(1) "Addiction," "addiction services," "alcohol and drug 24  
addiction services," "community addiction services provider," 25  
"community alcohol and drug addiction services provider," 26  
"community mental health services provider," "drug addiction," 27  
"gambling addiction services," "mental health services," and 28  
"mental illness" have the same meanings as in section 5119.01 of 29  
the Revised Code. 30

(2) "Recovery housing" means housing for individuals 31  
recovering from drug addiction that provides an alcohol and 32  
drug-free living environment, peer support, assistance with 33  
obtaining drug addiction services, and other drug addiction 34  
recovery assistance. 35

(B) An alcohol, drug addiction, and mental health service 36  
district shall be established in any county or combination of 37  
counties having a population of at least fifty thousand to provide 38  
addiction services and mental health services. With the approval 39  
of the director of mental health and addiction services, any 40  
county or combination of counties having a population of less than 41  
fifty thousand may establish such a district. Districts comprising 42  
more than one county shall be known as joint-county districts. 43

The board of county commissioners of any county participating 44  
in a joint-county district may submit a resolution requesting 45  
withdrawal from the district together with a comprehensive plan or 46  
plans that are in compliance with rules adopted by the director of 47  
mental health and addiction services under section 5119.22 of the 48  
Revised Code, and that provide for the equitable adjustment and 49

division of all services, assets, property, debts, and 50  
obligations, if any, of the joint-county district to the board of 51  
alcohol, drug addiction, and mental health services, to the boards 52  
of county commissioners of each county in the district, and to the 53  
~~directors~~ director. No county participating in a joint-county 54  
service district may withdraw from the district without the 55  
consent of the director of mental health and addiction services 56  
nor earlier than one year after the submission of such resolution 57  
unless all of the participating counties agree to an earlier 58  
withdrawal. Any county withdrawing from a joint-county district 59  
shall continue to have levied against its tax list and duplicate 60  
any tax levied by the district during the period in which the 61  
county was a member of the district until such time as the levy 62  
expires or is renewed or replaced. 63

**Sec. 340.03.** (A) Subject to rules issued by the director of 64  
mental health and addiction services after consultation with 65  
relevant constituencies as required by division (A)(10) of section 66  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 67  
and mental health services shall: 68

(1) Serve as the community addiction and mental health 69  
services planning agency for the county or counties under its 70  
jurisdiction, and in so doing it shall: 71

(a) Evaluate the need for facilities and community addiction 72  
and mental health services; 73

(b) In cooperation with other local and regional planning and 74  
funding bodies and with relevant ethnic organizations, assess the 75  
community addiction and mental health needs, evaluate strengths 76  
and challenges, and set priorities for community addiction and 77  
mental health services, including treatment and prevention. When 78  
the board sets priorities for the operation of addiction services, 79  
the board shall consult with the county commissioners of the 80

counties in the board's service district regarding the services 81  
described in section 340.15 of the Revised Code and shall give 82  
priority to those services, except that those services shall not 83  
have a priority over services provided to pregnant women under 84  
programs developed in relation to the mandate established in 85  
section 5119.17 of the Revised Code; 86

(c) In accordance with guidelines issued by the director of 87  
mental health and addiction services after consultation with board 88  
representatives, annually develop and submit to the department of 89  
mental health and addiction services a community addiction and 90  
mental health services plan listing community addiction and mental 91  
health services needs, including the needs of all residents of the 92  
district currently receiving inpatient services in state-operated 93  
hospitals, the needs of other populations as required by state or 94  
federal law or programs, the needs of all children subject to a 95  
determination made pursuant to section 121.38 of the Revised Code, 96  
and priorities for facilities and community addiction and mental 97  
health services during the period for which the plan will be in 98  
effect. 99

In alcohol, drug addiction, and mental health service 100  
districts that have separate alcohol and drug addiction services 101  
and community mental health boards, the alcohol and drug addiction 102  
services board shall submit a community addiction services plan 103  
and the community mental health board shall submit a community 104  
mental health services plan. Each board shall consult with its 105  
counterpart in developing its plan and address the interaction 106  
between the local addiction services and mental health services 107  
systems and populations with regard to needs and priorities in 108  
developing its plan. 109

The department shall approve or disapprove the plan, in whole 110  
or in part, according to the criteria developed pursuant to 111  
section 5119.22 of the Revised Code. Eligibility for state and 112

federal funding shall be contingent upon an approved plan or 113  
relevant part of a plan. 114

If a board determines that it is necessary to amend a plan 115  
that has been approved under this division, the board shall submit 116  
a proposed amendment to the director. The director may approve or 117  
disapprove all or part of the amendment. The director shall inform 118  
the board of the reasons for disapproval of all or part of an 119  
amendment and of the criteria that must be met before the 120  
amendment may be approved. The director shall provide the board an 121  
opportunity to present its case on behalf of the amendment. The 122  
director shall give the board a reasonable time in which to meet 123  
the criteria, and shall offer the board technical assistance to 124  
help it meet the criteria. 125

The board shall operate in accordance with the plan approved 126  
by the department. 127

(d) Promote, arrange, and implement working agreements with 128  
social agencies, both public and private, and with judicial 129  
agencies. 130

(2) Investigate, or request another agency to investigate, 131  
any complaint alleging abuse or neglect of any person receiving 132  
services from a community addiction or mental health services 133  
provider certified under section 5119.36 of the Revised Code or 134  
alleging abuse or neglect of a resident receiving addiction 135  
services or with mental illness or severe mental disability 136  
residing in a residential facility licensed under section 5119.34 137  
of the Revised Code. If the investigation substantiates the charge 138  
of abuse or neglect, the board shall take whatever action it 139  
determines is necessary to correct the situation, including 140  
notification of the appropriate authorities. Upon request, the 141  
board shall provide information about such investigations to the 142  
department. 143

(3) For the purpose of section 5119.36 of the Revised Code, 144  
cooperate with the director of mental health and addiction 145  
services in visiting and evaluating whether the services of a 146  
community addiction or mental health services provider satisfy the 147  
certification standards established by rules adopted under that 148  
section; 149

(4) In accordance with criteria established under division 150  
(E) of section 5119.22 of the Revised Code, conduct program audits 151  
that review and evaluate the quality, effectiveness, and 152  
efficiency of services provided through its community addiction 153  
and mental health contracted services and submit its findings and 154  
recommendations to the department of mental health and addiction 155  
services; 156

(5) In accordance with section 5119.34 of the Revised Code, 157  
review an application for a residential facility license and 158  
provide to the department of mental health and addiction services 159  
any information about the applicant or facility that the board 160  
would like the department to consider in reviewing the 161  
application; 162

(6) Audit, in accordance with rules adopted by the auditor of 163  
state pursuant to section 117.20 of the Revised Code, at least 164  
annually all programs and services provided under contract with 165  
the board. In so doing, the board may contract for or employ the 166  
services of private auditors. A copy of the fiscal audit report 167  
shall be provided to the director of mental health and addiction 168  
services, the auditor of state, and the county auditor of each 169  
county in the board's district. 170

(7) Recruit and promote local financial support for addiction 171  
and mental health services from private and public sources; 172

(8)(a) Enter into contracts with public and private 173  
facilities for the operation of facility services and enter into 174

contracts with public and private community addiction and mental 175  
health service providers for the provision of community addiction 176  
and mental health services. The board may not contract with a 177  
residential facility subject to section 5119.34 of the Revised 178  
Code unless the facility is licensed by the director of mental 179  
health and addiction services and may not contract with a 180  
community addiction or mental health services provider to provide 181  
community addiction or mental health services unless the services 182  
are certified by the director of mental health and addiction 183  
services under section 5119.36 of the Revised Code. Section 307.86 184  
of the Revised Code does not apply to contracts entered into under 185  
this division. In contracting with a community addiction or mental 186  
health services provider, a board shall consider the cost 187  
effectiveness of services provided by that provider and the 188  
quality and continuity of care, and may review cost elements, 189  
including salary costs, of the services to be provided. A 190  
utilization review process may be established as part of the 191  
contract for services entered into between a board and a community 192  
addiction or mental health services provider. The board may 193  
establish this process in a way that is most effective and 194  
efficient in meeting local needs. 195

If either the board or a facility or community addiction or 196  
mental health services provider with which the board contracts 197  
under this division proposes not to renew the contract or proposes 198  
substantial changes in contract terms, the other party shall be 199  
given written notice at least one hundred twenty days before the 200  
expiration date of the contract. During the first sixty days of 201  
this one hundred twenty-day period, both parties shall attempt to 202  
resolve any dispute through good faith collaboration and 203  
negotiation in order to continue to provide services to persons in 204  
need. If the dispute has not been resolved sixty days before the 205  
expiration date of the contract, either party may notify the 206  
department of mental health and addiction services of the 207

unresolved dispute. The director may require both parties to 208  
submit the dispute to a third party with the cost to be shared by 209  
the board and the facility or provider. The third party shall 210  
issue to the board, the facility or provider, and the department 211  
recommendations on how the dispute may be resolved twenty days 212  
prior to the expiration date of the contract, unless both parties 213  
agree to a time extension. The director shall adopt rules 214  
establishing the procedures of this dispute resolution process. 215

(b) With the prior approval of the director of mental health 216  
and addiction services, a board may operate a facility or provide 217  
a community addiction or mental health service as follows, if 218  
there is no other qualified private or public facility or 219  
community addiction or mental health services provider that is 220  
immediately available and willing to operate such a facility or 221  
provide the service: 222

(i) In an emergency situation, any board may operate a 223  
facility or provide a community addiction or mental health service 224  
in order to provide essential services for the duration of the 225  
emergency; 226

(ii) In a service district with a population of at least one 227  
hundred thousand but less than five hundred thousand, a board may 228  
operate a facility or provide a community addiction or mental 229  
health service for no longer than one year; 230

(iii) In a service district with a population of less than 231  
one hundred thousand, a board may operate a facility or provide a 232  
community addiction or mental health service for no longer than 233  
one year, except that such a board may operate a facility or 234  
provide a community addiction or mental health service for more 235  
than one year with the prior approval of the director and the 236  
prior approval of the board of county commissioners, or of a 237  
majority of the boards of county commissioners if the district is 238  
a joint-county district. 239



The director shall not give a board approval to operate a facility or provide a community addiction or mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a community addiction or mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community addiction or mental health services provider.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a community addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of community addiction or mental health service under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a facility or provider may contract with a board to receive

administrative services or staff direction from the board under	272
the direction of the governing body of the facility or provider.	273
(9) Approve fee schedules and related charges or adopt a unit	274
cost schedule or other methods of payment for contract services	275
provided by community addiction or mental health services	276
providers in accordance with guidelines issued by the department	277
as necessary to comply with state and federal laws pertaining to	278
financial assistance;	279
(10) Submit to the director and the county commissioners of	280
the county or counties served by the board, and make available to	281
the public, an annual report of the services under the	282
jurisdiction of the board, including a fiscal accounting;	283
(11) Establish, to the extent resources are available, <u>a full</u>	284
<u>spectrum of care for all levels of treatment services for opioid</u>	285
<u>and co-occurring drug addiction and</u> a continuum of care, <del>which</del>	286
<del>provides</del> <u>for other services that provide</u> for prevention,	287
treatment, support, and rehabilitation services and opportunities.	288
The essential elements of the <u>full spectrum and</u> continuum <u>of care</u>	289
include, <del>but are not limited to,</del> the following components in	290
accordance with section 5119.21 of the Revised Code:	291
(a) To locate persons in need of addiction or mental health	292
services to inform them of available services and benefits;	293
(b) Assistance for persons receiving services to obtain	294
services necessary to meet basic human needs for food, clothing,	295
shelter, medical care, personal safety, and income;	296
(c) Addiction and mental health services, <del>including, but not</del>	297
<del>limited to,</del> outpatient, residential, partial hospitalization, and,	298
where appropriate, inpatient care;	299
(d) Emergency services and crisis intervention;	300
(e) Assistance for persons receiving services to obtain	301

vocational services and opportunities for jobs;	302
(f) The provision of services designed to develop social, community, and personal living skills;	303 304
(g) Access to a wide range of housing and the provision of residential treatment and support;	305 306
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	307 308 309
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	310 311 312 313 314
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	315 316
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;	317 318 319
<u>(l) Any additional component the department determines is necessary to establish a full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and a continuum of care for other services.</u>	320 321 322 323
(12) Establish a method for evaluating referrals for involuntary commitment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to involuntary hospitalization and what alternative treatment is available and appropriate, if any;	324 325 326 327 328 329 330
(13) Designate the treatment services, provider, facility, or	331

other placement for each person involuntarily committed to the 332  
board pursuant to Chapter 5122. of the Revised Code. The board 333  
shall provide the least restrictive and most appropriate 334  
alternative that is available for any person involuntarily 335  
committed to it and shall assure that the listed services 336  
submitted and approved in accordance with division (B) of section 337  
340.08 of the Revised Code are available to severely mentally 338  
disabled persons residing within its service district. The board 339  
shall establish the procedure for authorizing payment for 340  
services, which may include prior authorization in appropriate 341  
circumstances. The board may provide for services directly to a 342  
severely mentally disabled person when life or safety is 343  
endangered and when no community mental health services provider 344  
is available to provide the service. 345

(14) Ensure that apartments or rooms built, subsidized, 346  
renovated, rented, owned, or leased by the board or a community 347  
addiction or mental health services provider have been approved as 348  
meeting minimum fire safety standards and that persons residing in 349  
the rooms or apartments are receiving appropriate and necessary 350  
services, including culturally relevant services, from a community 351  
addiction or mental health services provider. This division does 352  
not apply to residential facilities licensed pursuant to section 353  
5119.34 of the Revised Code. 354

(15) Establish a mechanism for obtaining advice and 355  
involvement of persons receiving publicly funded addiction or 356  
mental health services on matters pertaining to addiction and 357  
mental health services in the alcohol, drug addiction, and mental 358  
health service district; 359

(16) Perform the duties required by rules adopted under 360  
section 5119.22 of the Revised Code regarding referrals by the 361  
board or mental health services providers under contract with the 362  
board of individuals with mental illness or severe mental 363

disability to residential facilities as defined in division 364  
(A)(9)(b)(iii) of section 5119.34 of the Revised Code and 365  
effective arrangements for ongoing mental health services for the 366  
individuals. The board is accountable in the manner specified in 367  
the rules for ensuring that the ongoing mental health services are 368  
effectively arranged for the individuals. 369

(B) The board shall establish such rules, operating 370  
procedures, standards, and bylaws, and perform such other duties 371  
as may be necessary or proper to carry out the purposes of this 372  
chapter. 373

(C) A board of alcohol, drug addiction, and mental health 374  
services may receive by gift, grant, devise, or bequest any 375  
moneys, lands, or property for the benefit of the purposes for 376  
which the board is established, and may hold and apply it 377  
according to the terms of the gift, grant, or bequest. All money 378  
received, including accrued interest, by gift, grant, or bequest 379  
shall be deposited in the treasury of the county, the treasurer of 380  
which is custodian of the alcohol, drug addiction, and mental 381  
health services funds to the credit of the board and shall be 382  
available for use by the board for purposes stated by the donor or 383  
grantor. 384

(D) No board member or employee of a board of alcohol, drug 385  
addiction, and mental health services shall be liable for injury 386  
or damages caused by any action or inaction taken within the scope 387  
of the board member's official duties or the employee's 388  
employment, whether or not such action or inaction is expressly 389  
authorized by this section or any other section of the Revised 390  
Code, unless such action or inaction constitutes willful or wanton 391  
misconduct. Chapter 2744. of the Revised Code applies to any 392  
action or inaction by a board member or employee of a board taken 393  
within the scope of the board member's official duties or 394  
employee's employment. For the purposes of this division, the 395

conduct of a board member or employee shall not be considered 396  
willful or wanton misconduct if the board member or employee acted 397  
in good faith and in a manner that the board member or employee 398  
reasonably believed was in or was not opposed to the best 399  
interests of the board and, with respect to any criminal action or 400  
proceeding, had no reasonable cause to believe the conduct was 401  
unlawful. 402

(E) The meetings held by any committee established by a board 403  
of alcohol, drug addiction, and mental health services shall be 404  
considered to be meetings of a public body subject to section 405  
121.22 of the Revised Code. 406

**Sec. 340.08.** In accordance with rules or guidelines issued by 407  
the director of mental health and addiction services, each board 408  
of alcohol, drug addiction, and mental health services shall do 409  
all of the following: 410

(A) Submit to the department of mental health and addiction 411  
services a report of receipts and expenditures for all federal, 412  
state, and local moneys the board expects to receive. 413

(1) The report shall identify funds the board has available 414  
for the full spectrum of care for all levels of treatment services 415  
for opioid and co-occurring drug addiction required by division 416  
(C) of section 340.09 of the Revised Code. 417

(2) The report shall identify funds the board and public 418  
children services agencies in the board's service district have 419  
available to fund jointly the services described in section 340.15 420  
of the Revised Code. 421

~~(2)~~(3) The board's proposed budget for expenditures of state 422  
and federal funds distributed to the board by the department shall 423  
be deemed an application for funds, and the department shall 424  
approve or disapprove the budget for these expenditures. The 425

department shall inform the board of the reasons for disapproval 426  
of the budget for the expenditure of state and federal funds and 427  
of the criteria that must be met before the budget may be 428  
approved. The director shall provide the board an opportunity to 429  
present its case on behalf of the submitted budget. The director 430  
shall give the board a reasonable time in which to meet the 431  
criteria and shall offer the board technical assistance to help it 432  
meet the criteria. 433

If a board determines that it is necessary to amend a budget 434  
that has been approved under this section, the board shall submit 435  
a proposed amendment to the director. The director may approve or 436  
disapprove all or part of the amendment. The director shall inform 437  
the board of the reasons for disapproval of all or part of the 438  
amendment and of the criteria that must be met before the 439  
amendment may be approved. The director shall provide the board an 440  
opportunity to present its case on behalf of the amendment. The 441  
director shall give the board a reasonable time in which to meet 442  
the criteria and shall offer the board technical assistance to 443  
help it meet the criteria. 444

~~(3)~~(4) The director of mental health and addiction services, 445  
in whole or in part, may withhold funds otherwise to be allocated 446  
to a board of alcohol, drug addiction, and mental health services 447  
under Chapter 5119. of the Revised Code if the board's use of 448  
state and federal funds fails to comply with the approved budget, 449  
as it may be amended with the approval of the department. However, 450  
the director shall withhold all such funds from the board if the 451  
board fails to make the full spectrum of care for all levels of 452  
treatment services for opioid and co-occurring drug addiction 453  
available in the board's district in accordance with division (C) 454  
of section 340.09 of the Revised Code. 455

(B) Submit to the department a statement identifying the 456  
services described in section 340.09 of the Revised Code the board 457

intends to make available. The board shall include the full 458  
spectrum of care for all levels of treatment services for opioid 459  
and co-occurring drug addiction required by division (C) of 460  
section 340.09 of the Revised Code, crisis intervention services 461  
for individuals in emergency situations, and services required 462  
pursuant to section 340.15 of the Revised Code, ~~and the.~~ The board 463  
shall explain the manner in which the board intends to make such 464  
services available. The list of services shall be compatible with 465  
the budget submitted pursuant to division (A) of this section. The 466  
department shall approve or disapprove the proposed listing of 467  
services to be made available. The department shall inform the 468  
board of the reasons for disapproval of the listing of proposed 469  
services and of the criteria that must be met before listing of 470  
proposed services may be approved. The director shall provide the 471  
board an opportunity to present its case on behalf of the 472  
submitted listing of proposed services. The director shall give 473  
the board a reasonable time in which to meet the criteria and 474  
shall offer the board technical assistance to help it meet the 475  
criteria. 476

(C) Enter into a continuity of care agreement with the state 477  
institution operated by the department of mental health and 478  
addiction services and designated as the institution serving the 479  
district encompassing the board's service district. The continuity 480  
of care agreement shall outline the department's and the board's 481  
responsibilities to plan for and coordinate with each other to 482  
address the needs of board residents who are patients in the 483  
institution, with an emphasis on managing appropriate hospital bed 484  
day use and discharge planning. The continuity of care agreement 485  
shall not require the board to provide services other than those 486  
on the list of services submitted by the board and approved by the 487  
department pursuant to division (B) of this section. 488

(D) In conjunction with the department of mental health and 489



addiction services, operate a coordinated system for tracking and 490  
monitoring persons found not guilty by reason of insanity and 491  
committed pursuant to section 2945.40 of the Revised Code who have 492  
been granted a conditional release and persons found incompetent 493  
to stand trial and committed pursuant to section 2945.39 of the 494  
Revised Code who have been granted a conditional release. The 495  
system shall do all of the following: 496

(1) Centralize responsibility for the tracking of those 497  
persons; 498

(2) Provide for uniformity in monitoring those persons; 499

(3) Provide a mechanism to allow prompt rehospitalization, 500  
reinstitutionalization, or detention when a violation of the 501  
conditional release or decompensation occurs. 502

(E) Submit to the department a report summarizing complaints 503  
and grievances received by the board concerning the rights of 504  
persons seeking or receiving services, investigations of 505  
complaints and grievances, and outcomes of the investigations. 506

(F) Provide to the department information to be submitted to 507  
the community addiction and mental health information system or 508  
systems established by the department under Chapter 5119. of the 509  
Revised Code. 510

(G) Annually, and upon any change in membership, submit to 511  
the department a list of all current members of the board of 512  
alcohol, drug addiction, and mental health services, including the 513  
appointing authority for each member, and the member's specific 514  
qualification for appointment pursuant to section 340.02 or 515  
340.021 of the Revised Code, if applicable. 516

(H) Submit to the department other information as is 517  
reasonably required for purposes of the department's operations, 518  
service evaluation, reporting activities, research, system 519  
administration, and oversight. 520

Sec. 340.09. (A) As used in this section, 521  
"medication-assisted treatment" means alcohol and drug addiction 522  
services that are accompanied by medication approved by the United 523  
States food and drug administration for the treatment of drug 524  
addiction, prevention of a relapse of drug addiction, or both. 525

(B) The department of mental health and addiction services 526  
shall provide assistance to any county for ~~the~~ all of the 527  
following from funds the general assembly appropriates for these 528  
purposes: 529

(1) The operation of ~~boards~~ the board of alcohol, drug 530  
addiction, and mental health services, ~~the provision of services~~ 531  
serving the county; 532

(2) The full spectrum of care for all levels of treatment 533  
services for opioid and co-occurring drug addiction that are 534  
approved by the department and made available in the county by the 535  
board serving the county; 536

(3) The continuum of care for other services that are 537  
approved by the department ~~within the continuum of care, the~~ and 538  
made available in the county by the board serving the county; 539

(4) The provision of approved support functions, ~~and the;~~ 540

(5) The partnership in, or support for, ~~approved continuum of~~ 541  
care-related activities ~~from funds appropriated for that purpose~~ 542  
by the general assembly related to the full spectrum of all levels 543  
of treatment services for opioid and co-occurring drug addiction 544  
and the continuum of care of other services. 545

~~(B)~~(C) The full spectrum of care for all levels of treatment 546  
services for opioid and co-occurring drug addiction shall include 547  
at least ambulatory and sub-acute detoxification, non-intensive 548  
and intensive outpatient services, medication-assisted treatment, 549  
peer mentoring, residential treatment services, recovery housing 550

pursuant to section 340.092 of the Revised Code, and twelve-step 551  
approaches. The treatment services shall be made available in the 552  
service district of each board, except that a treatment consisting 553  
of sub-acute detoxification or residential treatment services for 554  
opioid and co-occurring drug addiction is not required to be 555  
available in a board's service district if the board has a 556  
contract with one or more providers of sub-acute detoxification or 557  
residential treatment services for opioid and co-occurring drug 558  
addiction located in other service districts. The treatment 559  
services shall be made available in a manner that ensures that 560  
service recipients are able to access the services they need for 561  
opioid and co-occurring drug addiction in an integrated manner and 562  
without delay when changing or obtaining additional treatment 563  
services for such addiction. A treatment service for opioid and 564  
co-occurring drug addiction shall not be excluded from the full 565  
spectrum of care on the basis that the treatment service 566  
previously failed. 567

(D) Categories in the continuum of care for other services 568  
may include the following: 569

(1) Inpatient; 570

(2) Sub-acute detoxification; 571

(3) Residential; 572

~~(3)~~(4) Outpatient treatment; 573

~~(4)~~(5) Intensive and other supports; 574

~~(5)~~(6) Recovery support; 575

~~(6)~~(7) Prevention and wellness management. 576

~~(C)~~(E) Support functions may include the following: 577

(1) Consultation; 578

(2) Research; 579

- (3) Administrative; 580
- (4) Referral and information; 581
- (5) Training; 582
- (6) Service and program evaluation. 583

Sec. 340.092. All of the following apply to the recovery housing that each board of alcohol, drug addiction, and mental health services shall include in the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction under division (C) of section 340.09 of the Revised Code: 584  
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(A) The recovery housing shall be owned and operated by a community alcohol and drug addiction services provider or other local nongovernmental organization (including a peer-run recovery organization), as appropriate to the needs of the board's service district. 590  
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(B) The recovery housing shall have protocols for all of the following: 595  
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(1) Administrative oversight; 597

(2) Quality standards; 598

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere. 599  
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(C) Individuals recovering from opioid or co-occurring drug addiction shall have priority in admission to the recovery housing, but an individual recovering from other drug addictions may be admitted if an available slot is not needed for an individual recovering from opioid or co-occurring drug addiction. 601  
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(D) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit. 606  
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(E) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner, and, if appropriate, in consultation and integration with another community alcohol and drug addiction services provider.

(F) The recovery housing is not subject to licensure or certification by the department of mental health and addiction services under Chapter 5119. of the Revised Code, including as a community addiction services provider.

**Sec. 340.15.** (A) A public children services agency that identifies a child by a risk assessment conducted pursuant to section 5153.16 of the Revised Code as being at imminent risk of being abused or neglected because of an addiction of a parent, guardian, or custodian of the child to a drug of abuse or alcohol shall refer the child's addicted parent, guardian, or custodian and, if the agency determines that the child needs alcohol or other drug addiction services, the child to a community addiction services provider certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A public children services agency that is sent a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code shall refer the addicted parent or other caregiver of the child identified in the court order to a community addiction services provider certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. On receipt of a referral under this division and to the extent funding identified under division (A)~~(1)~~(2) of section 340.08 of the Revised Code is available, the provider shall provide the following services to the addicted parent, guardian, custodian, or

caregiver and child in need of addiction services: 641

(1) If it is determined pursuant to an initial screening to 642  
be needed, assessment and appropriate treatment; 643

(2) Documentation of progress in accordance with a treatment 644  
plan developed for the addicted parent, guardian, custodian, 645  
caregiver, or child; 646

(3) If the referral is based on a court order issued pursuant 647  
to division (B) of section 2151.3514 of the Revised Code and the 648  
order requires the specified parent or other caregiver of the 649  
child to submit to alcohol or other drug testing during, after, or 650  
both during and after, treatment, testing in accordance with the 651  
court order. 652

(B) The services described in division (A) of this section 653  
shall have a priority as provided in the addiction and mental 654  
health services plan and budget established pursuant to sections 655  
340.03 and 340.08 of the Revised Code. Once a referral has been 656  
received pursuant to this section, the public children services 657  
agency and the addiction services provider shall, in accordance 658  
with 42 C.F.R. Part 2, share with each other any information 659  
concerning the persons and services described in that division 660  
that the agency and provider determine are necessary to share. If 661  
the referral is based on a court order issued pursuant to division 662  
(B) of section 2151.3514 of the Revised Code, the results and 663  
recommendations of the addiction services provider also shall be 664  
provided and used as described in division (D) of that section. 665  
Information obtained or maintained by the agency or provider 666  
pursuant to this section that could enable the identification of 667  
any person described in division (A) of this section is not a 668  
public record subject to inspection or copying under section 669  
149.43 of the Revised Code. 670

Sec. 340.20. (A) In accordance with rules adopted under 671

section 5119.221 of the Revised Code, each community alcohol and 672  
drug addiction services provider shall do all of the following: 673

(1) Maintain, in an aggregate form, a waiting list of 674  
individuals to whom all of the following apply: 675

(a) The individual has been documented as needing alcohol and 676  
drug addiction services due to an opioid or co-occurring drug 677  
addiction. 678

(b) The individual has applied to the provider for a 679  
treatment service included in the full spectrum of care required 680  
by division (C) of section 340.09 of the Revised Code. 681

(c) The individual has not begun to receive the treatment 682  
service within five days of the individual's application for the 683  
service because the provider lacks an available slot for the 684  
individual. 685

(2) Notify an individual included on the provider's waiting 686  
list when the provider has a slot available for the individual 687  
and, if the individual does not contact the provider about the 688  
slot within a period of time specified in the rules, contact the 689  
individual to determine why the individual did not contact the 690  
provider and to assess whether the individual still needs the 691  
treatment service; 692

(3) Subject to divisions (B) and (C) of this section, report 693  
all of the following information each month to the board of 694  
alcohol, drug addiction, and mental health services that serves 695  
the county or counties in which the provider provides alcohol and 696  
drug addiction services: 697

(a) An unduplicated count of all individuals who reside in a 698  
county that the board serves and were included on the provider's 699  
waiting list as of the last day of the immediately preceding month 700  
and each type of treatment service for which they were waiting; 701

(b) The total number of days all such individuals had been on the provider's waiting list as of the last day of the immediately preceding month; 702  
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(c) The last known types of residential settings in which all such individuals resided as of the last day of the immediately preceding month; 705  
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(d) The number of all such individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A)(2) of this section about the provider having slots available for the individuals, and the reasons why the contacts were not made; 708  
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(e) The number of all such individuals who withdrew, in the immediately preceding month, their applications for the treatment services, each type of treatment service for which those individuals had applied, and the reasons the applications were withdrawn; 713  
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(f) All other information specified in the rules. 718

(B) If a community alcohol and drug addiction services provider provides alcohol and drug addiction services in more than one county and those counties are served by different boards of alcohol, drug addiction, and mental health services, the provider shall provide separate reports under division (C)(3) of this section to each of the boards serving the counties in which the provider provides the services. The report provided to a board shall be specific to the county or counties the board serves and not include information for individuals residing in other counties. 719  
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(C) Each report that a community alcohol and drug addiction services provider provides to a board of alcohol, drug addiction, and mental health services under this section shall do all of the following: 729  
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(1) Maintain the confidentiality of all individuals for whom information is included in the report; 733  
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(2) For the purpose of the information reported under division (A)(3)(c) of this section, identify the types of residential settings at least as either institutional or noninstitutional. 735  
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(3) If the report is provided to a board that serves more than one county, present the information included in the report in a manner that is broken down for each of the counties the board serves. 739  
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**Sec. 340.201.** (A) In accordance with the rules adopted under section 5119.221 of the Revised Code, each board of alcohol, drug addiction, and mental health services monthly shall do all of the following: 743  
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(1) Compile on an aggregate basis the information the board receives that month from community alcohol and drug addiction services providers under section 340.20 of the Revised Code; 747  
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(2) Determine the number of applications for a treatment service included in the full spectrum of care required by division (C) of section 340.09 of the Revised Code that the board received in the immediately preceding month and that the board denied that month, each type of treatment service so denied, and the reasons for the denials; 750  
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(3) Subject to division (B) of this section, report all of the following to the department of mental health and addiction services: 756  
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(a) The information that the board compiles under division (A)(1) of this section that month; 759  
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(b) The information that the board determines under division (A)(2) of this section that month; 761  
762

<u>(c) All other information required by the rules.</u>	763
<u>(B) Each board shall report the information required by</u>	764
<u>division (A)(3) of this section as follows:</u>	765
<u>(1) In an electronic format;</u>	766
<u>(2) In a manner that maintains the confidentiality of all</u>	767
<u>individuals for whom information is included in the report;</u>	768
<u>(3) In a manner that presents the information about the</u>	769
<u>individuals whose information is included in the report by their</u>	770
<u>counties of residence.</u>	771
<b>Sec. 5119.01.</b> (A) As used in this chapter:	772
(1) "Addiction" means the chronic and habitual use of	773
alcoholic beverages, the use of a drug of abuse as defined in	774
section 3719.011 of the Revised Code, or the use of gambling by an	775
individual to the extent that the individual no longer can control	776
the individual's use of alcohol, the individual becomes physically	777
or psychologically dependent on the drug, the individual's use of	778
alcohol or drugs endangers the health, safety, or welfare of the	779
individual or others, or the individual's gambling causes	780
psychological, financial, emotional, marital, legal, or other	781
difficulties endangering the health, safety, or welfare of the	782
individual or others.	783
(2) "Addiction services" means services, including	784
intervention, for the treatment of persons with alcohol, drug, or	785
gambling addictions, and for the prevention of such addictions.	786
(3) "Alcohol and drug addiction services" means services,	787
including intervention, for the treatment of alcoholics or persons	788
who abuse drugs of abuse and for the prevention of alcoholism and	789
drug addiction.	790
(4) "Alcoholic" means a person suffering from alcoholism.	791

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

(6) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(7) "Community alcohol and drug addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

~~(8)~~(9) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

~~(9)~~(10) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

~~(10)~~(11) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the

prevention of gambling addiction. 823

~~(11)~~(12) "Hospital" means a hospital or inpatient unit 824  
licensed by the department of mental health and addiction services 825  
under section 5119.33 of the Revised Code, and any institution, 826  
hospital, or other place established, controlled, or supervised by 827  
the department under Chapter 5119. of the Revised Code. 828

~~(12)~~(13) "Mental illness" means a substantial disorder of 829  
thought, mood, perception, orientation, or memory that grossly 830  
impairs judgment, behavior, capacity to recognize reality, or 831  
ability to meet the ordinary demands of life. 832

~~(13)~~(14) "Mental health services" means services for the 833  
assessment, care, or treatment of persons who have a mental 834  
illness as defined in this section. 835

~~(14)~~(15)(a) "Residence" means a person's physical presence in 836  
a county with intent to remain there, except in either of the 837  
following circumstances: 838

(i) If a person is receiving a mental health service at a 839  
facility that includes nighttime sleeping accommodations, 840  
"residence" means that county in which the person maintained the 841  
person's primary place of residence at the time the person entered 842  
the facility; 843

(ii) If a person is committed pursuant to section 2945.38, 844  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 845  
"residence" means the county where the criminal charges were 846  
filed. 847

(b) When the residence of a person is disputed, the matter of 848  
residence shall be referred to the department of mental health and 849  
addiction services for investigation and determination. Residence 850  
shall not be a basis for a board of alcohol, drug addiction, and 851  
mental health services to deny services to any person present in 852  
the board's service district, and the board shall provide services 853

for a person whose residence is in dispute while residence is 854  
being determined and for a person in an emergency situation. 855

(B) Any reference in this chapter to a board of alcohol, drug 856  
addiction, and mental health services also refers to an alcohol 857  
and drug addiction services board or a community mental health 858  
board in a service district in which an alcohol and drug addiction 859  
services board or a community mental health board has been 860  
established under section 340.021 or former section 340.02 of the 861  
Revised Code. 862

**Sec. 5119.21.** (A) The department of mental health and 863  
addiction services shall: 864

(1) To the extent the department has available resources and 865  
in consultation with boards of alcohol, drug addiction, and mental 866  
health services, support a full spectrum of care for all levels of 867  
treatment services for opioid and co-occurring drug addiction and 868  
a continuum of care for other services in accordance with Chapter 869  
340. of the Revised Code on a district or multi-district basis. 870  
The department shall define the essential elements of a full 871  
spectrum of care for all levels of treatment services for opioid 872  
and co-occurring drug addiction and a continuum of care for other 873  
services, shall assist in identifying resources, and may 874  
prioritize support for one or more of the elements of the 875  
continuum of care. The essential elements of a full spectrum of 876  
care for all levels of treatment services for opioid and 877  
co-occurring drug addiction shall include the services required by 878  
division (C) of section 340.09 of the Revised Code. 879

(2) Provide training, consultation, and technical assistance 880  
regarding mental health and addiction services and appropriate 881  
prevention, recovery, and mental health promotion activities, 882  
including those that are culturally competent, to employees of the 883  
department, community mental health and addiction services 884

providers, boards of alcohol, drug addiction, and mental health 885  
services, and other agencies providing mental health and addiction 886  
services; 887

(3) To the extent the department has available resources, 888  
promote and support a full range of mental health and addiction 889  
services that are available and accessible to all residents of 890  
this state, especially for severely mentally disabled children, 891  
adolescents, adults, pregnant women, parents, guardians or 892  
custodians of children at risk of abuse or neglect, and other 893  
special target populations, including racial and ethnic 894  
minorities, as determined by the department; 895

(4) Develop standards and measures for evaluating the 896  
effectiveness of mental health and addiction services, including 897  
services that use methadone treatment, of gambling addiction 898  
services, and for increasing the accountability of mental health 899  
and alcohol and addiction services providers and of gambling 900  
addiction services providers; 901

(5) Design and set criteria for the determination of priority 902  
populations; 903

(6) Promote, direct, conduct, and coordinate scientific 904  
research, taking ethnic and racial differences into consideration, 905  
concerning the causes and prevention of mental illness and 906  
addiction, methods of providing effective services and treatment, 907  
and means of enhancing the mental health of and recovery from 908  
addiction of all residents of this state; 909

(7) Foster the establishment and availability of vocational 910  
rehabilitation services and the creation of employment 911  
opportunities for consumers of mental health and addiction 912  
services, including members of racial and ethnic minorities; 913

(8) Establish a program to protect and promote the rights of 914  
persons receiving mental health and addiction services, including 915

the issuance of guidelines on informed consent and other rights; 916

(9) Promote the involvement of persons who are receiving or 917  
have received mental health or addiction services, including 918  
families and other persons having a close relationship to a person 919  
receiving those services, in the planning, evaluation, delivery, 920  
and operation of mental health and addiction services; 921

(10) Notify and consult with the relevant constituencies that 922  
may be affected by rules, standards, and guidelines issued by the 923  
department of mental health and addiction services. These 924  
constituencies shall include consumers of mental health and 925  
addiction services and their families, and may include public and 926  
private providers, employee organizations, and others when 927  
appropriate. Whenever the department proposes the adoption, 928  
amendment, or rescission of rules under Chapter 119. of the 929  
Revised Code, the notification and consultation required by this 930  
division shall occur prior to the commencement of proceedings 931  
under Chapter 119. The department shall adopt rules under Chapter 932  
119. of the Revised Code that establish procedures for the 933  
notification and consultation required by this division. 934

(11) Provide consultation to the department of rehabilitation 935  
and correction concerning the delivery of mental health and 936  
addiction services in state correctional institutions. 937

(12) Promote and coordinate efforts in the provision of 938  
alcohol and drug addiction services and of gambling addiction 939  
services by other state agencies, as defined in section 1.60 of 940  
the Revised Code; courts; hospitals; clinics; physicians in 941  
private practice; public health authorities; boards of alcohol, 942  
drug addiction, and mental health services; alcohol and drug 943  
addiction services providers; law enforcement agencies; gambling 944  
addiction services providers; and related groups; 945

(13) Provide to each court of record, and biennially update, 946

a list of the treatment and education programs within that court's jurisdiction that the court may require an offender, sentenced pursuant to section 4511.19 of the Revised Code, to attend;

(14) Make the warning sign described in sections 3313.752, 3345.41, and 3707.50 of the Revised Code available on the department's internet web site;

(15) Provide a program of gambling addiction services on behalf of the state lottery commission, pursuant to an agreement entered into with the director of the commission under division (K) of section 3770.02 of the Revised Code, and provide a program of gambling addiction services on behalf of the Ohio casino control commission, under an agreement entered into with the executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide gambling addiction services and substance abuse services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services. The department may adopt other rules as necessary to implement the requirements of this chapter.



Sec. 5119.22. The director of mental health and addiction 978  
services with respect to all mental health and addiction 979  
facilities and services established and operated or provided under 980  
Chapter 340. of the Revised Code, shall do all of the following: 981

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 982  
that may be necessary to carry out the purposes of this chapter 983  
and Chapters 340. and 5122. of the Revised Code. 984

(B) Review and evaluate the full spectrum of care for all 985  
levels of treatment services for opioid and co-occurring drug 986  
addiction and the continuum of care for other services in each 987  
service district, taking into account the findings and 988  
recommendations of the board of alcohol, drug addiction, and 989  
mental health services of the district submitted under division 990  
(A)(4) of section 340.03 of the Revised Code and the priorities 991  
and plans of the department of mental health and addiction 992  
services, including the needs of residents of the district 993  
currently receiving services in state-operated hospitals, and make 994  
recommendations for needed improvements to boards of alcohol, drug 995  
addiction, and mental health services; 996

(C) At the director's discretion, provide to boards of 997  
alcohol, drug addiction, and mental health services state or 998  
federal funds, in addition to those allocated under section 999  
5119.23 of the Revised Code, for special programs or projects the 1000  
director considers necessary but for which local funds are not 1001  
available; 1002

(D) Establish, in consultation with board of alcohol, drug 1003  
addiction, and mental health service representatives and after 1004  
consideration of the recommendations of the medical director, 1005  
guidelines for the development of community mental health and 1006  
addiction services plans and the review and approval or 1007  
disapproval of such plans submitted pursuant to section 340.03 of 1008

the Revised Code. 1009

(E) Establish criteria by which a board of alcohol, drug 1010  
addiction, and mental health services reviews and evaluates the 1011  
quality, effectiveness, and efficiency of its contracted services. 1012  
The criteria shall include requirements ensuring appropriate 1013  
service utilization. The department shall assess a board's 1014  
evaluation of services and the compliance of each board with this 1015  
section, Chapter 340. of the Revised Code, and other state or 1016  
federal law and regulations. The department, in cooperation with 1017  
the board, periodically shall review and evaluate the quality, 1018  
effectiveness, and efficiency of services provided through each 1019  
board. The department shall collect information that is necessary 1020  
to perform these functions. 1021

(F) To the extent the director determines necessary and after 1022  
consulting with boards of alcohol, drug addiction, and mental 1023  
health services and community addiction and mental health services 1024  
providers, develop and operate, or contract for the operation of, 1025  
a community behavioral health information system or systems. The 1026  
department shall specify the information that must be provided by 1027  
boards of alcohol, drug addiction, and mental health services and 1028  
by community addiction and mental health services providers for 1029  
inclusion in the system or systems. 1030

Boards of alcohol, drug addiction, and mental health services 1031  
and community addiction and mental health services providers shall 1032  
submit information requested by the department in the form and 1033  
manner and in accordance with time frames prescribed by the 1034  
department. Information collected by the department may include 1035  
all of the following: 1036

(1) Information on services provided; 1037

(2) Financial information regarding expenditures of federal, 1038  
state, or local funds; 1039

(3) Information about persons served. 1040

The department shall not collect any personal information 1041  
from the boards except as required or permitted by state or 1042  
federal law for purposes related to payment, health care 1043  
operations, program and service evaluation, reporting activities, 1044  
research, system administration, and oversight. 1045

(G)(1) Review each board's community mental health and 1046  
addiction services plan, budget, and statement of services to be 1047  
~~made available~~ submitted pursuant to sections 340.03 and 340.08 of 1048  
the Revised Code and approve or disapprove the plan, the budget, 1049  
and the statement of services in whole or in part. 1050

The department may withhold all or part of the funds 1051  
allocated to a board if it disapproves all or part of a plan, 1052  
budget, or statement of services, except that the department shall 1053  
withhold all of the funds allocated to the board if the department 1054  
disapproves the budget because the budget does not comply with 1055  
division (A)(1) of section 340.08 of the Revised Code. Prior to a 1056  
final decision to disapprove a plan, budget, or statement of 1057  
services, or to withhold funds from a board, a representative of 1058  
the director of mental health and addiction services shall meet 1059  
with the board and discuss the reason for the action the 1060  
department proposes to take and any corrective action that should 1061  
be taken to make the plan, budget, or statement of services 1062  
acceptable to the department. In addition, the department shall 1063  
offer technical assistance to the board to assist it to make the 1064  
plan, budget, or statement of services acceptable. The department 1065  
shall give the board a reasonable time in which to revise the 1066  
plan, budget, or statement of services. The board thereafter shall 1067  
submit a revised plan, budget, or statement of services, or a new 1068  
plan, budget, or statement of services. 1069

(2) If a board determines that it is necessary to amend the 1070  
plan, budget, or statement of services that has been approved 1071

under this section, the board shall submit the proposed amendment 1072  
to the department. The department may approve or disapprove all or 1073  
part of the amendment. 1074

(3) If the director disapproves of all or part of any 1075  
proposed amendment, the director shall provide the board an 1076  
opportunity to present its position. The director shall inform the 1077  
board of the reasons for the disapproval and of the criteria that 1078  
must be met before the proposed amendment may be approved. The 1079  
director shall give the board a reasonable time within which to 1080  
meet the criteria and shall offer technical assistance to the 1081  
board to help it meet the criteria. 1082

(4) The department shall establish procedures for the review 1083  
of plans, budgets, and statements of services, and a timetable for 1084  
submission and review of plans, budgets, and statements of 1085  
services and for corrective action and submission of new or 1086  
revised plans, budgets, and statements of services. 1087

Sec. 5119.221. The director of mental health and addiction 1088  
services shall adopt rules governing the duties of community 1089  
alcohol and drug addiction services providers under section 340.20 1090  
of the Revised Code and the duties of boards of alcohol, drug 1091  
addiction, and mental health services under section 340.201 of the 1092  
Revised Code. The rules shall be adopted in accordance with 1093  
Chapter 119. of the Revised Code. 1094

Sec. 5119.222. The department of mental health and addiction 1095  
services shall make the reports it receives under section 340.201 1096  
of the Revised Code from boards of alcohol, drug addiction, and 1097  
mental health services available on the department's web site. The 1098  
department's web site shall present the information contained in 1099  
the reports on statewide and county-level bases. The information 1100  
on the web site shall be updated monthly after the boards submit 1101

new reports to the department. 1102

**Sec. 5119.23.** (A) The department of mental health and 1103  
addiction services shall establish a methodology for allocating to 1104  
boards of alcohol, drug addiction, and mental health services the 1105  
funds appropriated by the general assembly to the department for 1106  
the purpose of the full spectrum of care for all levels of 1107  
treatment services for opioid and co-occurring drug addiction and 1108  
the continuum of care for other services to be provided as local 1109  
mental health and addiction services ~~continuums of care~~. The 1110  
department shall establish the methodology after notifying and 1111  
consulting with relevant constituencies as required by division 1112  
(A)(10) of section 5119.21 of the Revised Code. The methodology 1113  
may provide for the funds to be allocated to boards on a district 1114  
or multi-district basis. 1115

(B) Subject to section 5119.25 of the Revised Code, and to 1116  
required submissions and approvals under section 340.08 of the 1117  
Revised Code, the department shall allocate the funds to the 1118  
boards in a manner consistent with the methodology, this section, 1119  
other state and federal laws, rules, and regulations. 1120

(C) In consultation with boards, community mental health and 1121  
addiction services providers, and persons receiving services, the 1122  
department shall establish guidelines for the use of funds 1123  
allocated and distributed under this section. 1124

**Sec. 5119.25.** (A) The director of mental health and addiction 1125  
services, in whole or in part, may withhold funds otherwise to be 1126  
allocated to a board of alcohol, drug addiction, and mental health 1127  
services under section 5119.23 of the Revised Code if the board 1128  
fails to comply with Chapter 340. or section 5119.22, 5119.24, 1129  
5119.36, or 5119.371 of the Revised Code or rules of the 1130  
department of mental health and addiction services. However, the 1131

director shall withhold all such funds from the board when 1132  
required to do so under division (A)(4) of section 340.08 of the 1133  
Revised Code. 1134

(B) The director of mental health and addiction services may 1135  
withhold funds otherwise to be allocated to a board of alcohol, 1136  
drug addiction, and mental health services under section 5119.23 1137  
of the Revised Code if the board denies available service on the 1138  
basis of race, color, religion, creed, sex, age, national origin, 1139  
disability as defined in section 4112.01 of the Revised Code, or 1140  
developmental disability. 1141

(C) The director shall issue a notice identifying the areas 1142  
of noncompliance and the action necessary to achieve compliance. 1143  
The director may offer technical assistance to the board to 1144  
achieve compliance. The board shall have ten days from receipt of 1145  
the notice of noncompliance to present its position that it is in 1146  
compliance or to submit to the director evidence of corrective 1147  
action the board took to achieve compliance. Before withholding 1148  
funds, the director or the director's designee shall hold a 1149  
hearing within ten days of receipt of the board's position or 1150  
evidence to determine if there are continuing violations and that 1151  
either assistance is rejected or the board is unable, or has 1152  
failed, to achieve compliance. Subsequent to the hearing process, 1153  
if it is determined that compliance has not been achieved, the 1154  
director may allocate all or part of the withheld funds to a 1155  
~~public or private agency~~ one or more community mental health 1156  
services providers or community addiction services providers to 1157  
provide the community mental health or community addiction service 1158  
for which the board is not in compliance until the time that there 1159  
is compliance. The director may adopt rules in accordance with 1160  
Chapter 119. of the Revised Code to implement this section. 1161

**Sec. 5119.34.** (A) As used in this section and sections 1162

5119.341 and 5119.342 of the Revised Code:	1163
(1) "Accommodations" means housing, daily meal preparation,	1164
laundry, housekeeping, arranging for transportation, social and	1165
recreational activities, maintenance, security, and other services	1166
that do not constitute personal care services or skilled nursing	1167
care.	1168
(2) "ADAMHS board" means a board of alcohol, drug addiction,	1169
and mental health services.	1170
(3) "Adult" means a person who is eighteen years of age or	1171
older, other than a person described in division (A)(4) of this	1172
section who is between eighteen and twenty-one years of age.	1173
(4) "Child" means a person who is under eighteen years of age	1174
or a person with a mental disability who is under twenty-one years	1175
of age.	1176
(5) "Community mental health services provider" means a	1177
community mental health services provider as defined in section	1178
5119.01 of the Revised Code.	1179
(6) "Community mental health services" means any mental	1180
health services certified by the department pursuant to section	1181
5119.36 of the Revised Code.	1182
(7) "Operator" means the person or persons, firm,	1183
partnership, agency, governing body, association, corporation, or	1184
other entity that is responsible for the administration and	1185
management of a residential facility and that is the applicant for	1186
a residential facility license.	1187
(8) "Personal care services" means services including, but	1188
not limited to, the following:	1189
(a) Assisting residents with activities of daily living;	1190
(b) Assisting residents with self-administration of	1191
medication in accordance with rules adopted under this section;	1192

(c) Preparing special diets, other than complex therapeutic 1193  
diets, for residents pursuant to the instructions of a physician 1194  
or a licensed dietitian, in accordance with rules adopted under 1195  
this section. 1196

"Personal care services" does not include "skilled nursing 1197  
care" as defined in section 3721.01 of the Revised Code. A 1198  
facility need not provide more than one of the services listed in 1199  
division (A)(8) of this section to be considered to be providing 1200  
personal care services. 1201

(9) "Residential facility" means a publicly or privately 1202  
operated home or facility that provides one of the following: 1203

(a) Accommodations, supervision, personal care services, and 1204  
community mental health services for one or more unrelated adults 1205  
with mental illness or severe mental disabilities or to one or 1206  
more unrelated children and adolescents with a serious emotional 1207  
disturbance or who are in need of mental health services who are 1208  
referred by or are receiving community mental health services from 1209  
a community mental health services provider, hospital, or 1210  
practitioner. 1211

(b) Accommodations, supervision, and personal care services 1212  
to any of the following: 1213

(i) One or two unrelated persons with mental illness or 1214  
persons with severe mental disabilities who are referred by or are 1215  
receiving mental health services from a community mental health 1216  
services provider, hospital, or practitioner; 1217

(ii) One or two unrelated adults who are receiving 1218  
residential state supplement payments; 1219

(iii) Three to sixteen unrelated adults. 1220

(c) Room and board for five or more unrelated adults with 1221  
mental illness or severe mental disability who are referred by or 1222



are receiving community mental health services from a community 1223  
mental health services provider, hospital, or practitioner. 1224

(10) "Residential facility" does not include any of the 1225  
following: 1226

(a) A hospital subject to licensure under section 5119.33 of 1227  
the Revised Code; 1228

(b) A residential facility licensed under section 5123.19 of 1229  
the Revised Code or otherwise regulated by the department of 1230  
developmental disabilities; 1231

(c) An institution or association subject to certification 1232  
under section 5103.03 of the Revised Code; 1233

(d) A facility operated by a hospice care program licensed 1234  
under section 3712.04 of the Revised Code that is used exclusively 1235  
for care of hospice patients; 1236

(e) A nursing home, residential care facility, or home for 1237  
the aging as defined in section 3721.02 of the Revised Code; 1238

(f) Alcohol or drug addiction services certified pursuant to 1239  
section 5119.36 of the Revised Code; 1240

(g) A facility licensed to provide methadone treatment under 1241  
section 5119.391 of the Revised Code; 1242

(h) Any facility that receives funding for operating costs 1243  
from the development services agency under any program established 1244  
to provide emergency shelter housing or transitional housing for 1245  
the homeless; 1246

(i) A terminal care facility for the homeless that has 1247  
entered into an agreement with a hospice care program under 1248  
section 3712.07 of the Revised Code; 1249

(j) A facility approved by the veterans administration under 1250  
section 104(a) of the "Veterans Health Care Amendments of 1983," 1251  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 1252

the placement and care of veterans;	1253
<u>(k) Recovery housing that a board of alcohol, drug addiction,</u>	1254
<u>and mental health services includes in the full spectrum of care</u>	1255
<u>for all levels of treatment services for opioid and co-occurring</u>	1256
<u>drug addiction under division (C) of section 340.09 of the Revised</u>	1257
<u>Code.</u>	1258
(11) "Room and board" means the provision of sleeping and	1259
living space, meals or meal preparation, laundry services,	1260
housekeeping services, or any combination thereof.	1261
(12) "Residential state supplement" means the program	1262
administered under section 5119.41 of the Revised Code and related	1263
provisions of the Administrative Code under which the state	1264
supplements the supplemental security income payments received by	1265
aged, blind, or disabled adults under Title XVI of the Social	1266
Security Act. Residential state supplement payments are used for	1267
the provision of accommodations, supervision, and personal care	1268
services to supplemental security income recipients the department	1269
of mental health and addition services determines are at risk of	1270
needing institutional care.	1271
(13) "Supervision" means any of the following:	1272
(a) Observing a resident to ensure the resident's health,	1273
safety, and welfare while the resident engages in activities of	1274
daily living or other activities;	1275
(b) Reminding a resident to perform or complete an activity,	1276
such as reminding a resident to engage in personal hygiene or	1277
other self-care activities;	1278
(c) Assisting a resident in making or keeping an appointment.	1279
(14) "Unrelated" means that a resident is not related to the	1280
owner or operator of a residential facility or to the owner's or	1281
operator's spouse as a parent, grandparent, child, stepchild,	1282

grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 1283  
the child of an aunt or uncle. 1284

(B) Nothing in division (A)(9) of this section shall be 1285  
construed to permit personal care services to be imposed on a 1286  
resident who is capable of performing the activity in question 1287  
without assistance. 1288

(C) Except in the case of a residential facility described in 1289  
division (A)(9)(a) of this section, members of the staff of a 1290  
residential facility shall not administer medication to the 1291  
facility's residents, but may do any of the following: 1292

(1) Remind a resident when to take medication and watch to 1293  
ensure that the resident follows the directions on the container; 1294

(2) Assist a resident in the self-administration of 1295  
medication by taking the medication from the locked area where it 1296  
is stored, in accordance with rules adopted pursuant to this 1297  
section, and handing it to the resident. If the resident is 1298  
physically unable to open the container, a staff member may open 1299  
the container for the resident. 1300

(3) Assist a physically impaired but mentally alert resident, 1301  
such as a resident with arthritis, cerebral palsy, or Parkinson's 1302  
disease, in removing oral or topical medication from containers 1303  
and in consuming or applying the medication, upon request by or 1304  
with the consent of the resident. If a resident is physically 1305  
unable to place a dose of medicine to the resident's mouth without 1306  
spilling it, a staff member may place the dose in a container and 1307  
place the container to the mouth of the resident. 1308

(D)(1) Except as provided in division (D)(2) of this section, 1309  
a person operating or seeking to operate a residential facility 1310  
shall apply for licensure of the facility to the department of 1311  
mental health and addiction services. The application shall be 1312  
submitted by the operator. When applying for the license, the 1313

applicant shall pay to the department the application fee 1314  
specified in rules adopted under division (K) of this section. The 1315  
fee is nonrefundable. 1316

The department shall send a copy of an application to the 1317  
ADAMHS board serving the county in which the person operates or 1318  
seeks to operate the facility. The ADAMHS board shall review the 1319  
application and provide to the department any information about 1320  
the applicant or the facility that the board would like the 1321  
department to consider in reviewing the application. 1322

(2) A person may not apply for a license to operate a 1323  
residential facility if the person is or has been the owner, 1324  
operator, or manager of a residential facility for which a license 1325  
to operate was revoked or for which renewal of a license was 1326  
refused for any reason other than nonpayment of the license 1327  
renewal fee, unless both of the following conditions are met: 1328

(a) A period of not less than two years has elapsed since the 1329  
date the director of mental health and addiction services issued 1330  
the order revoking or refusing to renew the facility's license. 1331

(b) The director's revocation or refusal to renew the license 1332  
was not based on an act or omission at the facility that violated 1333  
a resident's right to be free from abuse, neglect, or 1334  
exploitation. 1335

(E)(1) The department of mental health and addiction services 1336  
shall inspect and license the operation of residential facilities. 1337  
The department shall consider the past record of the facility and 1338  
the applicant or licensee in arriving at its licensure decision. 1339

The department may issue full, probationary, and interim 1340  
licenses. A full license shall expire up to three years after the 1341  
date of issuance, a probationary license shall expire in a shorter 1342  
period of time as specified in rules adopted by the director of 1343  
~~mental health~~ mental health and addiction services under division 1344

(K) of this section, and an interim license shall expire ninety 1345  
days after the date of issuance. A license may be renewed in 1346  
accordance with rules adopted by the director under division (K) 1347  
of this section. The renewal application shall be submitted by the 1348  
operator. When applying for renewal of a license, the applicant 1349  
shall pay to the department the renewal fee specified in rules 1350  
adopted under division (K) of this section. The fee is 1351  
nonrefundable. 1352

(2) The department may issue an order suspending the 1353  
admission of residents to the facility or refuse to issue or renew 1354  
and may revoke a license if it finds the facility is not in 1355  
compliance with rules adopted by the director pursuant to division 1356  
(K) of this section or if any facility operated by the applicant 1357  
or licensee has been cited for repeated violations of statutes or 1358  
rules during the period of previous licenses. Proceedings 1359  
initiated to deny applications for full or probationary licenses 1360  
or to revoke such licenses are governed by Chapter 119. of the 1361  
Revised Code. 1362

(F) The department may issue an interim license to operate a 1363  
residential facility if both of the following conditions are met: 1364

(1) The department determines that the closing of or the need 1365  
to remove residents from another residential facility has created 1366  
an emergency situation requiring immediate removal of residents 1367  
and an insufficient number of licensed beds are available. 1368

(2) The residential facility applying for an interim license 1369  
meets standards established for interim licenses in rules adopted 1370  
by the director under division (K) of this section. 1371

An interim license shall be valid for ninety days and may be 1372  
renewed by the director no more than twice. Proceedings initiated 1373  
to deny applications for or to revoke interim licenses under this 1374  
division are not subject to Chapter 119. of the Revised Code. 1375

(G)(1) The department of mental health and addiction services	1376
may conduct an inspection of a residential facility as follows:	1377
(a) Prior to issuance of a license for the facility;	1378
(b) Prior to renewal of the license;	1379
(c) To determine whether the facility has completed a plan of	1380
correction required pursuant to division (G)(2) of this section	1381
and corrected deficiencies to the satisfaction of the department	1382
and in compliance with this section and rules adopted pursuant to	1383
it;	1384
(d) Upon complaint by any individual or agency;	1385
(e) At any time the director considers an inspection to be	1386
necessary in order to determine whether the facility is in	1387
compliance with this section and rules adopted pursuant to this	1388
section.	1389
(2) In conducting inspections the department may conduct an	1390
on-site examination and evaluation of the residential facility and	1391
its personnel, activities, and services. The department shall have	1392
access to examine and copy all records, accounts, and any other	1393
documents relating to the operation of the residential facility,	1394
including records pertaining to residents, and shall have access	1395
to the facility in order to conduct interviews with the operator,	1396
staff, and residents. Following each inspection and review, the	1397
department shall complete a report listing any deficiencies, and	1398
including, when appropriate, a time table within which the	1399
operator shall correct the deficiencies. The department may	1400
require the operator to submit a plan of correction describing how	1401
the deficiencies will be corrected.	1402
(H) No person shall do any of the following:	1403
(1) Operate a residential facility unless the facility holds	1404
a valid license;	1405

(2) Violate any of the conditions of licensure after having been granted a license;	1406 1407
(3) Interfere with a state or local official's inspection or investigation of a residential facility;	1408 1409
(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.	1410 1411
(I) The following may enter a residential facility at any time:	1412 1413
(1) Employees designated by the director of mental health and addiction services;	1414 1415
(2) Employees of an ADAMHS board under either of the following circumstances:	1416 1417
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	1418 1419 1420
(b) When authorized by section 340.05 of the Revised Code.	1421
(3) Employees of a community mental health services provider under either of the following circumstances:	1422 1423
(a) When the services provider has a person receiving services residing in the facility;	1424 1425
(b) When the services provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	1426 1427
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.	1428 1429 1430 1431 1432
The persons specified in division (I) of this section shall be afforded access to examine and copy all records, accounts, and	1433 1434

any other documents relating to the operation of the residential 1435  
facility, including records pertaining to residents. 1436

(J) Employees of the department of mental health and 1437  
addiction services may enter, for the purpose of investigation, 1438  
any institution, residence, facility, or other structure which has 1439  
been reported to the department as, or that the department has 1440  
reasonable cause to believe is, operating as a residential 1441  
facility without a valid license. 1442

(K) The director shall adopt and may amend and rescind rules 1443  
pursuant to Chapter 119. of the Revised Code governing the 1444  
licensing and operation of residential facilities. The rules shall 1445  
establish all of the following: 1446

(1) Minimum standards for the health, safety, adequacy, and 1447  
cultural competency of treatment of and services for persons in 1448  
residential facilities; 1449

(2) Procedures for the issuance, renewal, or revocation of 1450  
the licenses of residential facilities; 1451

(3) Procedures for conducting criminal records checks for 1452  
prospective or current operators, employees, and volunteers who 1453  
may have direct access to facility residents; 1454

(4) The fee to be paid when applying for a new residential 1455  
facility license or renewing the license; 1456

(5) Procedures for the operator of a residential facility to 1457  
follow when notifying the ADAMHS board serving the county in which 1458  
the facility is located when the facility is serving residents 1459  
with mental illness or severe mental disability, including the 1460  
circumstances under which the operator is required to make such a 1461  
notification; 1462

(6) Procedures for the issuance and termination of orders of 1463  
suspension of admission of residents to a residential facility; 1464



(7) Measures to be taken by residential facilities relative to residents' medication;	1465 1466
(8) Requirements relating to preparation of special diets;	1467
(9) The maximum number of residents who may be served in a residential facility;	1468 1469
(10) The rights of residents of residential facilities and procedures to protect such rights;	1470 1471
(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;	1472 1473 1474
(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	1475 1476
(L)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	1477 1478 1479 1480 1481 1482 1483 1484
(2) Any person who makes a complaint under division (L)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	1485 1486 1487 1488 1489 1490
(M)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from	1491 1492 1493 1494

operating a licensed facility when, in the director's judgment, 1495  
there is a present danger to the health or safety of any of the 1496  
occupants of the facility. The court shall have jurisdiction to 1497  
grant such injunctive relief upon a showing that the respondent 1498  
named in the petition is operating a facility without a license or 1499  
there is a present danger to the health or safety of any residents 1500  
of the facility. 1501

(2) When the court grants injunctive relief in the case of a 1502  
facility operating without a license, the court shall issue, at a 1503  
minimum, an order enjoining the facility from admitting new 1504  
residents to the facility and an order requiring the facility to 1505  
assist with the safe and orderly relocation of the facility's 1506  
residents. 1507

(3) If injunctive relief is granted against a facility for 1508  
operating without a license and the facility continues to operate 1509  
without a license, the director shall refer the case to the 1510  
attorney general for further action. 1511

(N) The director may fine a person for violating division (H) 1512  
of this section. The fine shall be five hundred dollars for a 1513  
first offense; for each subsequent offense, the fine shall be one 1514  
thousand dollars. The director's actions in imposing a fine shall 1515  
be taken in accordance with Chapter 119. of the Revised Code. 1516

Sec. 5119.362. (A) The director of mental health and 1517  
addiction services shall adopt rules in accordance with Chapter 1518  
119. of the Revised Code to do both of the following: 1519

(1) Streamline the intake procedures used by a community 1520  
alcohol and drug addiction services provider accepting and 1521  
beginning to serve a new patient, including procedures regarding 1522  
intake forms and questionnaires; 1523

(2) Enable a community alcohol and drug addiction services 1524

provider to retain a patient as an active patient even though the 1525  
patient last received services from the provider more than thirty 1526  
days before resumption of services so that the patient and 1527  
provider do not have to repeat the intake procedures. 1528

(B) The rules adopted under this section shall do both of the 1529  
following: 1530

(1) Model the intake and resumption of service procedures on 1531  
such procedures used by primary care physicians; 1532

(2) Facilitate the exchange of information about patients 1533  
between community alcohol and drug addiction services providers 1534  
and primary care physicians. 1535

**Section 2.** That existing sections 340.01, 340.03, 340.08, 1536  
340.09, 340.15, 5119.01, 5119.21, 5119.22, 5119.23, 5119.25, and 1537  
5119.34 of the Revised Code are hereby repealed. 1538

**Section 3.** Sections 1 and 2 of this act take effect one year 1539  
after the effective date of this act. 1540

**Section 4.** That Section 327.83 of Am. Sub. H.B. 59 of the 1541  
130th General Assembly is hereby repealed. 1542

**Section 5.** (A) As used in this section, "recovery housing" 1543  
means recovery housing that a board of alcohol, drug addiction, 1544  
and mental health services includes in the full spectrum of care 1545  
for all levels of treatment services for opioid and co-occurring 1546  
drug addiction under division (C) of section 340.09 of the Revised 1547  
Code. 1548

(B)(1) Of the appropriation item 335507, Community Behavioral 1549  
Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$25 1550  
million in fiscal year 2015 shall be used as follows: 1551

(a) Subject to divisions (C) and (D) of this section, by the 1552

Department of Mental Health and Addiction Services to provide 1553  
state funds to boards of alcohol, drug addiction, and mental 1554  
health services for the capital costs of recovery housing; 1555

(b) Subject to division (E) of this section, by the 1556  
Department to provide state funds to boards for the first two 1557  
years of operating expenses of recovery housing; 1558

(c) \$500,000 shall be used by the Department in accordance 1559  
with division (F) of this section. 1560

(2) In providing state funds to boards under this section, 1561  
the Department shall prioritize funding for counties that have no 1562  
recovery housing on the effective date of this section. 1563

(C) Funding for the capital costs of recovery housing in 1564  
Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, Montgomery, Stark, 1565  
and Summit counties is subject to the following: 1566

(1) If recovery housing exists in the county on the effective 1567  
date of this section, the Department shall pay fifty per cent and 1568  
the board serving the county shall pay the other fifty per cent of 1569  
the capital costs of additional recovery housing in the county. 1570

(2) If no recovery housing exists in the county on the 1571  
effective date of this section, the Department shall pay ninety 1572  
per cent and the board serving the county shall pay the remaining 1573  
ten per cent of the capital costs of recovery housing in the 1574  
county, except that if the board cannot afford to pay ten per 1575  
cent, the Department shall pay one hundred per cent of the capital 1576  
costs. 1577

(D) In the case of all other counties, the Department shall 1578  
pay ninety per cent and the board serving the county shall pay the 1579  
remaining ten per cent of the capital costs of recovery housing in 1580  
the county, except that if the board cannot afford to pay ten per 1581  
cent, the Department shall pay one hundred per cent of the capital 1582  
costs. 1583

(E) The Department shall pay ninety per cent of the operating expenses of recovery housing for the first two years that the recovery housing is operated in a county if the Department pays one hundred per cent of the capital costs for the recovery housing.

(F) The Department shall enter into a three-year contract with a nongovernmental organization under which the organization shall organize a network of recovery housing in the state that has all of the following features:

(1) An internet-based database of recovery housing available in the state;

(2) A resource hub for recovery housing providers that assists the providers' development and operation efforts and enables providers to connect with other recovery housing providers in this and other states for the purpose of shared learning;

(3) Quality standards for recovery housing and a peer-review process that uses the standards to endorse individual recovery housing sites;

(4) A system that monitors data that can be used to determine outcomes for recovery housing.

**Section 6.** All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2014 and those in the second column are for fiscal year 2015. The appropriations made in this act are in addition to any other appropriations made for the FY 2014-2015 biennium.

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION  
General Revenue Fund

GRF 501502 Specialty Docket	\$	0	\$ 8,821,800	1613
Staff Payroll Costs				
TOTAL GRF General Revenue Fund	\$	0	\$ 8,821,800	1614
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$ 8,821,800	1615

SPECIALTY DOCKET STAFF PAYROLL COSTS 1616

(A) The foregoing appropriation item 501502, Specialty Docket Staff Payroll Costs, shall be used by the Department of Rehabilitation and Correction to defray a portion of the annual payroll costs associated with the employment of up to two separate and distinct full-time, or full-time equivalent, specialized docket staff members by a court of common pleas, a municipal court, or a county court, including a juvenile or family court that currently has, or anticipates having, a family dependency treatment court that meets all of the eligibility requirements described in division (B) of this section. 1617-1626

(B) To be eligible: 1627

(1) The court must have received Supreme Court of Ohio certification for a specialized docket that targets participants with a drug addiction or dependency; and 1628-1630

(2) Specialized docket staff members must have received training for or education in alcohol and other drug addiction, abuse, and recovery and have demonstrated, prior to or within ninety days of hire, competencies in fundamental alcohol and other drug addiction, abuse, and recovery. Fundamental competencies shall include, at a minimum, an understanding of alcohol and other drug treatment and recovery, how to engage a person in treatment and recovery and an understanding of other health care systems, social service systems, and the criminal justice system; and 1631-1639

(3) Subsequent to that certification, the court must meet any additional criteria that the Supreme Court of Ohio determines are necessary and appropriate to determining funding eligibility, 1640-1642

including the court's adoption and utilization of best practices. 1643

(C) For the purposes of this section, payroll costs include 1644  
annual compensation and fringe benefits. 1645

(D) The Department of Rehabilitation and Correction, solely 1646  
for the purpose of determining the amount of the state share 1647  
available to a court under division (F) of this section for the 1648  
employment of up to two separate and distinct full-time, full-time 1649  
equivalent, or any combination thereof, specialized docket staff 1650  
members, shall use the lesser of: 1651

(1) The actual annual compensation and fringe benefits paid 1652  
to those staff members proportionally reflecting their time 1653  
allocated for specialized docket duties and responsibilities; or 1654

(2) \$78,000. 1655

(E) In accordance with any applicable rules, guidelines, or 1656  
procedures adopted by the Department of Rehabilitation and 1657  
Correction pursuant to this section, the county auditor shall 1658  
certify, for any court located within that county that is applying 1659  
for or receiving funding under this section, to the Department of 1660  
Rehabilitation and Correction the information necessary to 1661  
determine that court's eligibility for, and the amount of, funding 1662  
under this section. 1663

(F) For a specialized docket staff member employed by a court 1664  
in this section, the amount of state funding available under this 1665  
section shall be sixty-five per cent of the payroll costs 1666  
specified in division (D) of this section. This state funding 1667  
shall not exceed \$50,700. 1668

(G) The Department of Rehabilitation and Correction shall 1669  
disburse this state funding in quarterly installments to the 1670  
appropriate county or municipality in which the court is located. 1671

(H) Of the foregoing appropriation item 501502, Specialty 1672

Docket Staff Payroll Costs, the Supreme Court of Ohio shall use up 1673  
to one per cent of the appropriation in each fiscal year to pay 1674  
the costs it incurs in administering the duties and 1675  
responsibilities established in this section. 1676

(I) The Department of Rehabilitation and Correction may adopt 1677  
rules, guidelines, and procedures as necessary to carry out the 1678  
purposes of this section. 1679

**Section 7.** Within the limits set forth in this act, the 1680  
Director of Budget and Management shall establish accounts 1681  
indicating the source and amount of funds for each appropriation 1682  
made in this act, and shall determine the form and manner in which 1683  
appropriation accounts shall be maintained. Expenditures from 1684  
appropriations contained in this act shall be accounted for as 1685  
though made in Am. Sub. H.B. 59 of the 130th General Assembly. 1686

The appropriations made in this act are subject to all 1687  
provisions of Am. Sub. H.B. 59 of the 130th General Assembly that 1688  
are generally applicable to such appropriations. 1689