

**As Reported by the House Finance and Appropriations
Committee**

**130th General Assembly
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Sub. H. B. No. 369

Representative Sprague

**Cosponsors: Representatives Antonio, Boose, Buchy, Butler, Letson,
Patterson, Scherer, Sears, Sheehy, Smith, Wachtmann, Amstutz**

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A B I L L

To amend sections 340.01, 340.02, 340.021, 340.03,	1
340.08, 340.09, 340.15, 2945.402, 3701.74,	2
4511.191, 4758.01, 4758.02, 4758.06, 4758.16,	3
4758.20, 4758.21, 4758.23, 4758.24, 4758.26,	4
4758.28, 4758.29, 4758.30, 4758.31, 4758.35,	5
4758.36, 4758.50, 4758.51, 4758.60, 4758.71,	6
5119.21, 5119.22, 5119.23, and 5119.25 and to	7
enact sections 340.092, 340.093, 340.20, 4758.48,	8
4758.62, 4758.63, 4758.64, 5119.362, 5119.363,	9
5119.364, 5119.365, and 5122.36 of the Revised	10
Code, to amend Section 751.10 of Am. Sub. H.B. 59	11
of the 130th General Assembly, and to repeal	12
Section 327.83 of Am. Sub. H.B. 59 of the 130th	13
General Assembly, with respect to the	14
administration, funding, and provision of mental	15
health and addiction services.	16

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

Section 1. That sections 340.01, 340.02, 340.021, 340.03,	17
340.08, 340.09, 340.15, 2945.402, 3701.74, 4511.191, 4758.01,	18

4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 19
4758.26, 4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 20
4758.50, 4758.51, 4758.60, 4758.71, 5119.21, 5119.22, 5119.23, and 21
5119.25 be amended and sections 340.092, 340.093, 340.20, 4758.48, 22
4758.62, 4758.63, 4758.64, 5119.362, 5119.363, 5119.364, 5119.365, 23
and 5122.36 of the Revised Code be enacted to read as follows: 24

Sec. 340.01. (A) As used in this chapter, ~~"addiction,"~~: 25

(1) "Addiction," "addiction services," "alcohol and drug 26
addiction services," "community addiction services provider," 27
"community mental health services provider," "drug addiction," 28
"gambling addiction services," "mental health services," and 29
"mental illness" have the same meanings as in section 5119.01 of 30
the Revised Code. 31

(2) "Medication-assisted treatment" means alcohol and drug 32
addiction services that are accompanied by medication approved by 33
the United States food and drug administration for the treatment 34
of drug addiction, prevention of relapse of drug addiction, or 35
both. 36

(3) "Recovery housing" means housing for individuals 37
recovering from drug addiction that provides an alcohol and 38
drug-free living environment, peer support, assistance with 39
obtaining drug addiction services, and other drug addiction 40
recovery assistance. 41

(B) An alcohol, drug addiction, and mental health service 42
district shall be established in any county or combination of 43
counties having a population of at least fifty thousand to provide 44
addiction services and mental health services. With the approval 45
of the director of mental health and addiction services, any 46
county or combination of counties having a population of less than 47
fifty thousand may establish such a district. Districts comprising 48

more than one county shall be known as joint-county districts. 49

50

The board of county commissioners of any county participating 51
in a joint-county district may submit a resolution requesting 52
withdrawal from the district together with a comprehensive plan or 53
plans that are in compliance with rules adopted by the director of 54
mental health and addiction services under section 5119.22 of the 55
Revised Code, and that provide for the equitable adjustment and 56
division of all services, assets, property, debts, and 57
obligations, if any, of the joint-county district to the board of 58
alcohol, drug addiction, and mental health services, to the boards 59
of county commissioners of each county in the district, and to the 60
~~directors~~ director. No county participating in a joint-county 61
service district may withdraw from the district without the 62
consent of the director of mental health and addiction services 63
nor earlier than one year after the submission of such resolution 64
unless all of the participating counties agree to an earlier 65
withdrawal. Any county withdrawing from a joint-county district 66
shall continue to have levied against its tax list and duplicate 67
any tax levied by the district during the period in which the 68
county was a member of the district until such time as the levy 69
expires or is renewed or replaced. 70

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 71
health service district, there shall be appointed a board of 72
alcohol, drug addiction, and mental health services consisting of 73
eighteen members or fourteen members. Should the board of alcohol, 74
drug addiction, and mental health services elect to remain at 75
eighteen members, as provided under section 340.02 of the Revised 76
Code as it existed immediately prior to the date of this 77
amendment, the board of alcohol, drug addiction, and mental health 78
services and the board of county commissioners shall not be 79
required to take any action. Should the board of alcohol, drug 80

addiction, and mental health services elect a recommendation to 81
become a fourteen-member board, that recommendation must be 82
approved by the board of county commissioners of the county in 83
which the alcohol, drug addiction, and mental health district is 84
located in order for the transition to a fourteen-member board to 85
occur. Not later than September 30, 2013, each board of alcohol, 86
drug addiction, and mental health services wishing to become a 87
fourteen-member board shall notify the board of county 88
commissioners of that recommendation. Failure of the board of 89
county commissioners to take action within thirty days after 90
receipt of the recommendation shall be deemed agreement by the 91
board of county commissioners to transition to a fourteen-member 92
board of alcohol, drug addiction, and mental health services. 93
Should the board of county commissioners reject the 94
recommendation, the board of county commissioners shall adopt a 95
resolution stating that rejection within thirty days after receipt 96
of the recommendation. Upon adoption of the resolution, the board 97
of county commissioners shall meet with the board of alcohol, drug 98
addiction, and mental health services to discuss the matter. After 99
the meeting, the board of county commissioners shall notify the 100
department of mental health and addiction services of its election 101
not later than January 1, 2014. In a joint-county district, a 102
majority of the boards of county commissioners must not reject the 103
recommendation of a joint-county board to become a fourteen-member 104
board in order for the transition to a fourteen-member board to 105
occur. Should the joint-county district have an even number of 106
counties, and the boards of county commissioners of these counties 107
tie in terms of whether or not to accept the recommendation of the 108
alcohol, drug addiction, and mental health services board, the 109
recommendation of the alcohol, drug addiction, and mental health 110
service board to become a fourteen-member board shall prevail. The 111
election shall be final. Failure to provide notice of its election 112
to the department on or before January 1, 2014, shall constitute 113

an election to continue to operate as an eighteen-member board, 114
which election shall also be final. If an existing board provides 115
timely notice of its election to transition to operate as a 116
fourteen-member board, the number of board members may decline 117
from eighteen to fourteen by attrition as current members' terms 118
expire. However, the composition of the board must reflect the 119
requirements set forth in this section for fourteen-member boards. 120
For all boards, half of the members shall be interested in mental 121
health services and half of the members shall be interested in 122
alcohol, drug, or gambling addiction services. All members shall 123
be residents of the service district. The membership shall, as 124
nearly as possible, reflect the composition of the population of 125
the service district as to race and sex. 126

(B) For boards operating as eighteen-member boards, the 127
director of mental health and addiction services shall appoint 128
eight members of the board and the board of county commissioners 129
shall appoint ten members. For boards operating as fourteen-member 130
boards, the director of mental health and addiction services shall 131
appoint six members of the board and the board of county 132
commissioners shall appoint eight members. In a joint-county 133
district, the county commissioners of each participating county 134
shall appoint members in as nearly as possible the same proportion 135
as that county's population bears to the total population of the 136
district, except that at least one member shall be appointed from 137
each participating county. 138

(C) The director of mental health and addiction services 139
shall ensure that at least one member of the board is a clinician 140
with experience in the delivery of mental health services, at 141
least one member of the board is a person who has received or is 142
receiving mental health services ~~paid for by public funds~~, at 143
least one member of the board is a parent or other relative of 144
such a person, at least one member of the board is a clinician 145

with experience in the delivery of addiction services, at least 146
one member of the board is a person who has received or is 147
receiving addiction services ~~paid for by public funds~~, and at 148
least one member of the board is a parent or other relative of 149
such a person. A single member who meets both qualifications may 150
fulfill the requirement for a clinician with experience in the 151
delivery of mental health services and a clinician with experience 152
in the delivery of addiction services. 153

(D) No member or employee of a board of alcohol, drug 154
addiction, and mental health services shall serve as a member of 155
the board of any provider with which the board of alcohol, drug 156
addiction, and mental health services has entered into a contract 157
for the provision of services or facilities. No member of a board 158
of alcohol, drug addiction, and mental health services shall be an 159
employee of any provider with which the board has entered into a 160
contract for the provision of services or facilities. No person 161
shall be an employee of a board and such a provider unless the 162
board and provider both agree in writing. 163

(E) No person shall serve as a member of the board of 164
alcohol, drug addiction, and mental health services whose spouse, 165
child, parent, brother, sister, grandchild, stepparent, stepchild, 166
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 167
daughter-in-law, brother-in-law, or sister-in-law serves as a 168
member of the board of any provider with which the board of 169
alcohol, drug addiction, and mental health services has entered 170
into a contract for the provision of services or facilities. No 171
person shall serve as a member or employee of the board whose 172
spouse, child, parent, brother, sister, stepparent, stepchild, 173
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 174
daughter-in-law, brother-in-law, or sister-in-law serves as a 175
county commissioner of a county or counties in the alcohol, drug 176
addiction, and mental health service district. 177

(F) Each year each board member shall attend at least one 178
inservice training session provided or approved by the department 179
of mental health and addiction services. 180

(G) For boards operating as eighteen-member boards, each 181
member shall be appointed for a term of four years, commencing the 182
first day of July, except that one-third of initial appointments 183
to a newly established board, and to the extent possible to 184
expanded boards, shall be for terms of two years, one-third of 185
initial appointments shall be for terms of three years, and 186
one-third of initial appointments shall be for terms of four 187
years. For boards operating as fourteen-member boards, each member 188
shall be appointed for a term of four years, commencing the first 189
day of July, except that four of the initial appointments to a 190
newly established board, and to the extent possible to expanded 191
boards, shall be for terms of two years, five initial appointments 192
shall be for terms of three years, and five initial appointments 193
shall be for terms of four years. No member shall serve more than 194
two consecutive four-year terms under the same appointing 195
authority. A member may serve for three consecutive terms under 196
the same appointing authority only if one of the terms is for less 197
than two years. A member who has served two consecutive four-year 198
terms or three consecutive terms totaling less than ten years is 199
eligible for reappointment by the same appointing authority one 200
year following the end of the second or third term, respectively. 201

When a vacancy occurs, appointment for the expired or 202
unexpired term shall be made in the same manner as an original 203
appointment. The appointing authority shall be notified by 204
certified mail of any vacancy and shall fill the vacancy within 205
sixty days following that notice. 206

Any member of the board may be removed from office by the 207
appointing authority for neglect of duty, misconduct, or 208
malfeasance in office, and shall be removed by the appointing 209

authority if the member is barred by this section from serving as 210
a board member. The member shall be informed in writing of the 211
charges and afforded an opportunity for a hearing. Upon the 212
absence of a member within one year from either four board 213
meetings or from two board meetings without prior notice, the 214
board shall notify the appointing authority, which may vacate the 215
appointment and appoint another person to complete the member's 216
term. 217

Members of the board shall serve without compensation, but 218
shall be reimbursed for actual and necessary expenses incurred in 219
the performance of their official duties, as defined by rules of 220
the department of mental health and addiction services. 221

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 222
health service district where the board of county commissioners 223
has established an alcohol and drug addiction services board, the 224
community mental health board established under former section 225
340.02 of the Revised Code shall serve as the entity responsible 226
for providing mental health services in the county. A community 227
mental health board has all the powers, duties, and obligations of 228
a board of alcohol, drug addiction, and mental health services 229
with regard to mental health services. An alcohol and drug 230
addiction services board has all the powers, duties, and 231
obligations of a board of alcohol, drug addiction, and mental 232
health services with regard to addiction services. Any provision 233
of the Revised Code that refers to a board of alcohol, drug 234
addiction, and mental health services with regard to mental health 235
services also refers to a community mental health board and any 236
provision that refers to a board of alcohol, drug addiction, and 237
mental health services with regard to alcohol and drug addiction 238
services also refers to an alcohol and drug addiction services 239
board. 240

An alcohol and drug addiction services board shall consist of 241
eighteen members or fourteen members, at the election of the 242
board. Not later than January 1, 2014, each alcohol and drug 243
addiction services board shall notify the department of mental 244
health and addiction services of its election to operate as an 245
eighteen-member board or to operate as a fourteen-member board. 246
The election shall be final. Failure to provide notice of its 247
election to the department on or before January 1, 2014, shall 248
constitute an election to continue to operate as an 249
eighteen-member board. If an existing board provides timely notice 250
of its election to operate as a fourteen-member board, the number 251
of board members may decline from eighteen to fourteen by 252
attrition as current members' terms expire. However, the 253
composition of the board must reflect the requirements set forth 254
in this section and in applicable provisions of section 340.02 of 255
the Revised Code for fourteen-member boards. For boards operating 256
as eighteen-member boards, six members shall be appointed by the 257
director of mental health and addiction services and twelve 258
members shall be appointed by the board of county commissioners. 259
The director of mental health and addiction services shall ensure 260
that at least one member of the board is a person who has received 261
or is receiving services for alcohol, drug, or gambling addiction 262
~~paid for with public funds~~, at least one member is a parent or 263
relative of such a person, and at least one member is a clinician 264
with experience in the delivery of addiction services. The 265
membership of the board shall, as nearly as possible, reflect the 266
composition of the population of the service district as to race 267
and sex. Members shall be residents of the service district and 268
shall be interested in alcohol, drug, or gambling addiction 269
services. Requirements for membership, including prohibitions 270
against certain family and business relationships, and terms of 271
office shall be the same as those for members of boards of 272
alcohol, drug addiction, and mental health services. 273

A community mental health board shall consist of eighteen 274
members or fourteen members, at the election of the board. Not 275
later than January 1, 2014, each community mental health board 276
shall notify the department of mental health and addiction 277
services of its election to operate as an eighteen-member board or 278
to operate as a fourteen-member board. The election shall be 279
final. Failure to provide notice of its election to the department 280
on or before January 1, 2014, shall constitute an election to 281
continue to operate as an eighteen-member board. If an existing 282
board provides timely notice of its election to operate as a 283
fourteen-member board, the number of board members may decline 284
from eighteen to fourteen by attrition as current members' terms 285
expire. However, the composition of the board must reflect the 286
requirements set forth in this section and in applicable 287
provisions of section 340.02 of the Revised Code for 288
fourteen-member boards. For boards operating as eighteen-member 289
boards, six members shall be appointed by the director of mental 290
health and addiction services and twelve members shall be 291
appointed by the board of county commissioners. The director of 292
mental health and addiction services shall ensure that at least 293
one member of the board is a person who has received or is 294
receiving mental health services ~~paid for with public funds~~, at 295
least one member is a parent or relative of such a person, and at 296
least one member is a clinician with experience in the delivery of 297
mental health services. The membership of the board as nearly as 298
possible shall reflect the composition of the population of the 299
service district as to race and sex. Members shall be residents of 300
the service district and shall be interested in mental health 301
services. Requirements for membership, including prohibitions 302
against certain family and business relationships, and terms of 303
office shall be the same as those for members of boards of 304
alcohol, drug addiction, and mental health services. 305

(B)(1) If a board of county commissioners subject to division 306

(A) of this section did not adopt a final resolution providing for 307
a board of alcohol, drug addiction, and mental health services on 308
or before July 1, 2007, the board of county commissioners may 309
establish a board of alcohol, drug addiction, and mental health 310
services on or after ~~the effective date of this amendment~~ 311
September 23, 2008. To establish the board, the board of county 312
commissioners shall adopt a resolution providing for the board's 313
establishment. The composition of the board, the procedures for 314
appointing members, and all other matters related to the board and 315
its members are subject to section 340.02 of the Revised Code, 316
with the following exceptions: 317

(a) For initial appointments to the board, the county's 318
community mental health board and alcohol and drug addiction 319
services board shall jointly recommend members of those boards for 320
reappointment and shall submit the recommendations to the board of 321
county commissioners and the director of mental health and 322
addiction services. 323

(b) To the greatest extent possible, the appointing 324
authorities shall appoint the initial members from among the 325
members jointly recommended under division (B)(1)(a) of this 326
section. 327

(2) If a board of alcohol, drug addiction, and mental health 328
services is established pursuant to division (B)(1) of this 329
section, the board has the same rights, privileges, immunities, 330
powers, and duties that were possessed by the county's community 331
mental health board and alcohol and drug addiction services board. 332
When the board is established, all property and obligations of the 333
community mental health board and alcohol and drug addiction 334
services board shall be transferred to the board of alcohol, drug 335
addiction, and mental health services. 336

Sec. 340.03. (A) Subject to rules issued by the director of 337

mental health and addiction services after consultation with 338
relevant constituencies as required by division (A)(10) of section 339
5119.21 of the Revised Code, the board of alcohol, drug addiction, 340
and mental health services shall: 341

(1) Serve as the community addiction and mental health 342
services planning agency for the county or counties under its 343
jurisdiction, and in so doing it shall: 344

(a) Evaluate the need for facilities and community addiction 345
and mental health services; 346

(b) In cooperation with other local and regional planning and 347
funding bodies and with relevant ethnic organizations, assess the 348
community addiction and mental health needs, evaluate strengths 349
and challenges, and set priorities for community addiction and 350
mental health services, including treatment and prevention. When 351
the board sets priorities for the operation of addiction services, 352
the board shall consult with the county commissioners of the 353
counties in the board's service district regarding the services 354
described in section 340.15 of the Revised Code and shall give 355
priority to those services, except that those services shall not 356
have a priority over services provided to pregnant women under 357
programs developed in relation to the mandate established in 358
section 5119.17 of the Revised Code; 359

(c) In accordance with guidelines issued by the director of 360
mental health and addiction services after consultation with board 361
representatives, annually develop and submit to the department of 362
mental health and addiction services a community addiction and 363
mental health services plan listing community addiction and mental 364
health services needs, including the needs of all residents of the 365
district currently receiving inpatient services in state-operated 366
hospitals, the needs of other populations as required by state or 367
federal law or programs, the needs of all children subject to a 368
determination made pursuant to section 121.38 of the Revised Code, 369

and priorities for facilities and community addiction and mental 370
health services during the period for which the plan will be in 371
effect. 372

In alcohol, drug addiction, and mental health service 373
districts that have separate alcohol and drug addiction services 374
and community mental health boards, the alcohol and drug addiction 375
services board shall submit a community addiction services plan 376
and the community mental health board shall submit a community 377
mental health services plan. Each board shall consult with its 378
counterpart in developing its plan and address the interaction 379
between the local addiction services and mental health services 380
systems and populations with regard to needs and priorities in 381
developing its plan. 382

The department shall approve or disapprove the plan, in whole 383
or in part, according to the criteria developed pursuant to 384
section 5119.22 of the Revised Code. Eligibility for state and 385
federal funding shall be contingent upon an approved plan or 386
relevant part of a plan. 387

If a board determines that it is necessary to amend a plan 388
that has been approved under this division, the board shall submit 389
a proposed amendment to the director. The director may approve or 390
disapprove all or part of the amendment. The director shall inform 391
the board of the reasons for disapproval of all or part of an 392
amendment and of the criteria that must be met before the 393
amendment may be approved. The director shall provide the board an 394
opportunity to present its case on behalf of the amendment. The 395
director shall give the board a reasonable time in which to meet 396
the criteria, and shall offer the board technical assistance to 397
help it meet the criteria. 398

The board shall operate in accordance with the plan approved 399
by the department. 400

(d) Promote, arrange, and implement working agreements with 401
social agencies, both public and private, and with judicial 402
agencies. 403

(2) Investigate, or request another agency to investigate, 404
any complaint alleging abuse or neglect of any person receiving 405
services from a community addiction or mental health services 406
provider certified under section 5119.36 of the Revised Code or 407
alleging abuse or neglect of a resident receiving addiction 408
services or with mental illness or severe mental disability 409
residing in a residential facility licensed under section 5119.34 410
of the Revised Code. If the investigation substantiates the charge 411
of abuse or neglect, the board shall take whatever action it 412
determines is necessary to correct the situation, including 413
notification of the appropriate authorities. Upon request, the 414
board shall provide information about such investigations to the 415
department. 416

(3) For the purpose of section 5119.36 of the Revised Code, 417
cooperate with the director of mental health and addiction 418
services in visiting and evaluating whether the services of a 419
community addiction or mental health services provider satisfy the 420
certification standards established by rules adopted under that 421
section; 422

(4) In accordance with criteria established under division 423
(E) of section 5119.22 of the Revised Code, conduct program audits 424
that review and evaluate the quality, effectiveness, and 425
efficiency of services provided through its community addiction 426
and mental health contracted services and submit its findings and 427
recommendations to the department of mental health and addiction 428
services; 429

(5) In accordance with section 5119.34 of the Revised Code, 430
review an application for a residential facility license and 431
provide to the department of mental health and addiction services 432

any information about the applicant or facility that the board 433
would like the department to consider in reviewing the 434
application; 435

(6) Audit, in accordance with rules adopted by the auditor of 436
state pursuant to section 117.20 of the Revised Code, at least 437
annually all programs and services provided under contract with 438
the board. In so doing, the board may contract for or employ the 439
services of private auditors. A copy of the fiscal audit report 440
shall be provided to the director of mental health and addiction 441
services, the auditor of state, and the county auditor of each 442
county in the board's district. 443

(7) Recruit and promote local financial support for addiction 444
and mental health services from private and public sources; 445

(8)(a) Enter into contracts with public and private 446
facilities for the operation of facility services and enter into 447
contracts with public and private community addiction and mental 448
health service providers for the provision of community addiction 449
and mental health services. The board may not contract with a 450
residential facility subject to section 5119.34 of the Revised 451
Code unless the facility is licensed by the director of mental 452
health and addiction services and may not contract with a 453
community addiction or mental health services provider to provide 454
community addiction or mental health services unless the services 455
are certified by the director of mental health and addiction 456
services under section 5119.36 of the Revised Code. Section 307.86 457
of the Revised Code does not apply to contracts entered into under 458
this division. In contracting with a community addiction or mental 459
health services provider, a board shall consider the cost 460
effectiveness of services provided by that provider and the 461
quality and continuity of care, and may review cost elements, 462
including salary costs, of the services to be provided. A 463
utilization review process may be established as part of the 464

contract for services entered into between a board and a community 465
addiction or mental health services provider. The board may 466
establish this process in a way that is most effective and 467
efficient in meeting local needs. 468

If either the board or a facility or community addiction or 469
mental health services provider with which the board contracts 470
under this division proposes not to renew the contract or proposes 471
substantial changes in contract terms, the other party shall be 472
given written notice at least one hundred twenty days before the 473
expiration date of the contract. During the first sixty days of 474
this one hundred twenty-day period, both parties shall attempt to 475
resolve any dispute through good faith collaboration and 476
negotiation in order to continue to provide services to persons in 477
need. If the dispute has not been resolved sixty days before the 478
expiration date of the contract, either party may notify the 479
department of mental health and addiction services of the 480
unresolved dispute. The director may require both parties to 481
submit the dispute to a third party with the cost to be shared by 482
the board and the facility or provider. The third party shall 483
issue to the board, the facility or provider, and the department 484
recommendations on how the dispute may be resolved twenty days 485
prior to the expiration date of the contract, unless both parties 486
agree to a time extension. The director shall adopt rules 487
establishing the procedures of this dispute resolution process. 488

(b) With the prior approval of the director of mental health 489
and addiction services, a board may operate a facility or provide 490
a community addiction or mental health service as follows, if 491
there is no other qualified private or public facility or 492
community addiction or mental health services provider that is 493
immediately available and willing to operate such a facility or 494
provide the service: 495

(i) In an emergency situation, any board may operate a 496

facility or provide a community addiction or mental health service 497
in order to provide essential services for the duration of the 498
emergency; 499

(ii) In a service district with a population of at least one 500
hundred thousand but less than five hundred thousand, a board may 501
operate a facility or provide a community addiction or mental 502
health service for no longer than one year; 503

(iii) In a service district with a population of less than 504
one hundred thousand, a board may operate a facility or provide a 505
community addiction or mental health service for no longer than 506
one year, except that such a board may operate a facility or 507
provide a community addiction or mental health service for more 508
than one year with the prior approval of the director and the 509
prior approval of the board of county commissioners, or of a 510
majority of the boards of county commissioners if the district is 511
a joint-county district. 512

The director shall not give a board approval to operate a 513
facility or provide a community addiction or mental health service 514
under division (A)(8)(b)(ii) or (iii) of this section unless the 515
director determines that it is not feasible to have the department 516
operate the facility or provide the service. 517

The director shall not give a board approval to operate a 518
facility or provide a community addiction or mental health service 519
under division (A)(8)(b)(iii) of this section unless the director 520
determines that the board will provide greater administrative 521
efficiency and more or better services than would be available if 522
the board contracted with a private or public facility or 523
community addiction or mental health services provider. 524

The director shall not give a board approval to operate a 525
facility previously operated by a person or other government 526
entity unless the board has established to the director's 527

satisfaction that the person or other government entity cannot 528
effectively operate the facility or that the person or other 529
government entity has requested the board to take over operation 530
of the facility. The director shall not give a board approval to 531
provide a community addiction or mental health service previously 532
provided by a community addiction or mental health services 533
provider unless the board has established to the director's 534
satisfaction that the provider cannot effectively provide the 535
service or that the provider has requested the board take over 536
providing the service. 537

The director shall review and evaluate a board's operation of 538
a facility and provision of community addiction or mental health 539
service under division (A)(8)(b) of this section. 540

Nothing in division (A)(8)(b) of this section authorizes a 541
board to administer or direct the daily operation of any facility 542
or community addiction or mental health services provider, but a 543
facility or provider may contract with a board to receive 544
administrative services or staff direction from the board under 545
the direction of the governing body of the facility or provider. 546

(9) Approve fee schedules and related charges or adopt a unit 547
cost schedule or other methods of payment for contract services 548
provided by community addiction or mental health services 549
providers in accordance with guidelines issued by the department 550
as necessary to comply with state and federal laws pertaining to 551
financial assistance; 552

(10) Submit to the director and the county commissioners of 553
the county or counties served by the board, and make available to 554
the public, an annual report of the services under the 555
jurisdiction of the board, including a fiscal accounting; 556

(11) Establish, to the extent resources are available, a full 557
spectrum of care for all levels of treatment services for opioid 558

and co-occurring drug addiction and a continuum of care, which 559
provides for other services that provide for prevention, 560
treatment, support, and rehabilitation services and opportunities. 561
The essential elements of the full spectrum and continuum of care 562
include, but are not limited to, the following components in 563
accordance with section 5119.21 of the Revised Code: 564

(a) To locate persons in need of addiction or mental health 565
services to inform them of available services and benefits; 566

(b) Assistance for persons receiving services to obtain 567
services necessary to meet basic human needs for food, clothing, 568
shelter, medical care, personal safety, and income; 569

(c) Addiction and mental health services, including, ~~but not~~ 570
~~limited to,~~ outpatient, residential, partial hospitalization, ~~and,~~ 571
~~where appropriate,~~ inpatient (where appropriate), and any other 572
type of addiction and mental health care; 573

(d) Emergency services and crisis intervention; 574

(e) Assistance for persons receiving services to obtain 575
vocational services and opportunities for jobs; 576

(f) The provision of services designed to develop social, 577
community, and personal living skills; 578

(g) Access to a wide range of housing and the provision of 579
residential treatment and support; 580

(h) Support, assistance, consultation, and education for 581
families, friends, persons receiving addiction or mental health 582
services, and others; 583

(i) Recognition and encouragement of families, friends, 584
neighborhood networks, especially networks that include racial and 585
ethnic minorities, churches, community organizations, and 586
community employment as natural supports for persons receiving 587
addiction or mental health services; 588

(j) Grievance procedures and protection of the rights of 589
persons receiving addiction or mental health services; 590

(k) Community psychiatric supportive treatment services, 591
which includes continual individualized assistance and advocacy to 592
ensure that needed services are offered and procured; 593

(l) Any additional component the department determines is 594
necessary to establish a full spectrum of care for all levels of 595
treatment services for opioid and co-occurring drug addiction and 596
a continuum of care for other services. 597

(12) Establish a method for evaluating referrals for 598
involuntary commitment and affidavits filed pursuant to section 599
5122.11 of the Revised Code in order to assist the probate 600
division of the court of common pleas in determining whether there 601
is probable cause that a respondent is subject to involuntary 602
hospitalization and what alternative treatment is available and 603
appropriate, if any; 604

(13) Designate the treatment services, provider, facility, or 605
other placement for each person involuntarily committed to the 606
board pursuant to Chapter 5122. of the Revised Code. The board 607
shall provide the least restrictive and most appropriate 608
alternative that is available for any person involuntarily 609
committed to it and shall assure that the listed services 610
submitted and approved in accordance with division (B) of section 611
340.08 of the Revised Code are available to severely mentally 612
disabled persons residing within its service district. The board 613
shall establish the procedure for authorizing payment for 614
services, which may include prior authorization in appropriate 615
circumstances. The board may provide for services directly to a 616
severely mentally disabled person when life or safety is 617
endangered and when no community mental health services provider 618
is available to provide the service. 619

(14) Ensure that apartments or rooms built, subsidized, 620
renovated, rented, owned, or leased by the board or a community 621
addiction or mental health services provider have been approved as 622
meeting minimum fire safety standards and that persons residing in 623
the rooms or apartments are receiving appropriate and necessary 624
services, including culturally relevant services, from a community 625
addiction or mental health services provider. This division does 626
not apply to residential facilities licensed pursuant to section 627
5119.34 of the Revised Code. 628

(15) Establish a mechanism for obtaining advice and 629
involvement of persons receiving publicly funded addiction or 630
mental health services on matters pertaining to addiction and 631
mental health services in the alcohol, drug addiction, and mental 632
health service district; 633

(16) Perform the duties required by rules adopted under 634
section 5119.22 of the Revised Code regarding referrals by the 635
board or mental health services providers under contract with the 636
board of individuals with mental illness or severe mental 637
disability to residential facilities as defined in division 638
(A)(9)(b)(iii) of section 5119.34 of the Revised Code and 639
effective arrangements for ongoing mental health services for the 640
individuals. The board is accountable in the manner specified in 641
the rules for ensuring that the ongoing mental health services are 642
effectively arranged for the individuals. 643

(B) The board shall establish such rules, operating 644
procedures, standards, and bylaws, and perform such other duties 645
as may be necessary or proper to carry out the purposes of this 646
chapter. 647

(C) A board of alcohol, drug addiction, and mental health 648
services may receive by gift, grant, devise, or bequest any 649
moneys, lands, or property for the benefit of the purposes for 650
which the board is established, and may hold and apply it 651

according to the terms of the gift, grant, or bequest. All money 652
received, including accrued interest, by gift, grant, or bequest 653
shall be deposited in the treasury of the county, the treasurer of 654
which is custodian of the alcohol, drug addiction, and mental 655
health services funds to the credit of the board and shall be 656
available for use by the board for purposes stated by the donor or 657
grantor. 658

(D) No board member or employee of a board of alcohol, drug 659
addiction, and mental health services shall be liable for injury 660
or damages caused by any action or inaction taken within the scope 661
of the board member's official duties or the employee's 662
employment, whether or not such action or inaction is expressly 663
authorized by this section or any other section of the Revised 664
Code, unless such action or inaction constitutes willful or wanton 665
misconduct. Chapter 2744. of the Revised Code applies to any 666
action or inaction by a board member or employee of a board taken 667
within the scope of the board member's official duties or 668
employee's employment. For the purposes of this division, the 669
conduct of a board member or employee shall not be considered 670
willful or wanton misconduct if the board member or employee acted 671
in good faith and in a manner that the board member or employee 672
reasonably believed was in or was not opposed to the best 673
interests of the board and, with respect to any criminal action or 674
proceeding, had no reasonable cause to believe the conduct was 675
unlawful. 676

(E) The meetings held by any committee established by a board 677
of alcohol, drug addiction, and mental health services shall be 678
considered to be meetings of a public body subject to section 679
121.22 of the Revised Code. 680

Sec. 340.08. In accordance with rules or guidelines issued by 681
the director of mental health and addiction services, each board 682

of alcohol, drug addiction, and mental health services shall do 683
all of the following: 684

(A) Submit to the department of mental health and addiction 685
services a report of receipts and expenditures for all federal, 686
state, and local moneys the board expects to receive+. 687

(1) The report shall identify funds the board has available 688
for the full spectrum of care for all levels of treatment services 689
for opioid and co-occurring drug addiction required by division 690
(B) of section 340.09 of the Revised Code. 691

(2) The report shall identify funds the board and public 692
children services agencies in the board's service district have 693
available to fund jointly the services described in section 340.15 694
of the Revised Code. 695

~~(2)~~(3) The board's proposed budget for expenditures of state 696
and federal funds distributed to the board by the department shall 697
be deemed an application for funds, and the department shall 698
approve or disapprove the budget for these expenditures. The 699
department shall inform the board of the reasons for disapproval 700
of the budget for the expenditure of state and federal funds and 701
of the criteria that must be met before the budget may be 702
approved. The director shall provide the board an opportunity to 703
present its case on behalf of the submitted budget. The director 704
shall give the board a reasonable time in which to meet the 705
criteria and shall offer the board technical assistance to help it 706
meet the criteria. 707

If a board determines that it is necessary to amend a budget 708
that has been approved under this section, the board shall submit 709
a proposed amendment to the director. The director may approve or 710
disapprove all or part of the amendment. The director shall inform 711
the board of the reasons for disapproval of all or part of the 712
amendment and of the criteria that must be met before the 713

amendment may be approved. The director shall provide the board an opportunity to present its case on behalf of the amendment. The director shall give the board a reasonable time in which to meet the criteria and shall offer the board technical assistance to help it meet the criteria.

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

(B) Submit to the department a statement identifying the services described in section 340.09 of the Revised Code the board intends to make available. The board shall include the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction required by division (B) of section 340.09 of the Revised Code, crisis intervention services for individuals in emergency situations, and services required pursuant to section 340.15 of the Revised Code, ~~and the~~. The board shall explain the manner in which the board intends to make such services available. The list of services shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the proposed listing of services to be made available. The department shall inform the board of the reasons for disapproval of the listing of proposed services and of the criteria that must be met before listing of proposed services may be approved. The director shall provide the

board an opportunity to present its case on behalf of the 746
submitted listing of proposed services. The director shall give 747
the board a reasonable time in which to meet the criteria and 748
shall offer the board technical assistance to help it meet the 749
criteria. 750

(C) Enter into a continuity of care agreement with the state 751
institution operated by the department of mental health and 752
addiction services and designated as the institution serving the 753
district encompassing the board's service district. The continuity 754
of care agreement shall outline the department's and the board's 755
responsibilities to plan for and coordinate with each other to 756
address the needs of board residents who are patients in the 757
institution, with an emphasis on managing appropriate hospital bed 758
day use and discharge planning. The continuity of care agreement 759
shall not require the board to provide services other than those 760
on the list of services submitted by the board and approved by the 761
department pursuant to division (B) of this section. 762

(D) In conjunction with the department of mental health and 763
addiction services, operate a coordinated system for tracking and 764
monitoring persons found not guilty by reason of insanity and 765
committed pursuant to section 2945.40 of the Revised Code who have 766
been granted a conditional release and persons found incompetent 767
to stand trial and committed pursuant to section 2945.39 of the 768
Revised Code who have been granted a conditional release. The 769
system shall do all of the following: 770

(1) Centralize responsibility for the tracking of those 771
persons; 772

(2) Provide for uniformity in monitoring those persons; 773

(3) Provide a mechanism to allow prompt rehospitalization, 774
reinstitutionalization, or detention when a violation of the 775
conditional release or decompensation occurs. 776

(E) Submit to the department a report summarizing complaints 777
and grievances received by the board concerning the rights of 778
persons seeking or receiving services, investigations of 779
complaints and grievances, and outcomes of the investigations. 780

(F) Provide to the department information to be submitted to 781
the community addiction and mental health information system or 782
systems established by the department under Chapter 5119. of the 783
Revised Code. 784

(G) Annually, and upon any change in membership, submit to 785
the department a list of all current members of the board of 786
alcohol, drug addiction, and mental health services, including the 787
appointing authority for each member, and the member's specific 788
qualification for appointment pursuant to section 340.02 or 789
340.021 of the Revised Code, if applicable. 790

(H) Submit to the department other information as is 791
reasonably required for purposes of the department's operations, 792
service evaluation, reporting activities, research, system 793
administration, and oversight. 794

Sec. 340.09. (A) The department of mental health and 795
addiction services shall provide assistance to any county for ~~the~~ 796
all of the following from funds the general assembly appropriates 797
for these purposes: 798

(1) The operation of ~~boards~~ the board of alcohol, drug 799
addiction, and mental health services, ~~the provision of services~~ 800
serving the county; 801

(2) The full spectrum of care for all levels of treatment 802
services for opioid and co-occurring drug addiction that are 803
approved by the department and made available in the county by the 804
board serving the county; 805

(3) The continuum of care for other services that are 806

approved by the department ~~within the continuum of care, the~~ and 807
made available in the county by the board serving the county; 808

(4) The provision of approved support functions, ~~and the;~~ 809

(5) The partnership in, or support for, approved continuum of 810
care-related activities from funds appropriated for that purpose 811
by the general assembly related to the full spectrum of all levels 812
of treatment services for opioid and co-occurring drug addiction 813
and the continuum of care of other services. 814

(B) The full spectrum of care for all levels of treatment 815
services for opioid and co-occurring drug addiction shall include 816
at least ambulatory and sub-acute detoxification, non-intensive 817
and intensive outpatient services, medication-assisted treatment, 818
peer mentoring, residential treatment services, recovery housing 819
pursuant to section 340.092 of the Revised Code, and twelve-step 820
approaches. The treatment services shall be made available in the 821
service district of each board, except that a treatment consisting 822
of sub-acute detoxification or residential treatment services for 823
opioid and co-occurring drug addiction is not required to be 824
available in a board's service district if the board has a 825
contract with one or more providers of sub-acute detoxification or 826
residential treatment services for opioid and co-occurring drug 827
addiction located in other service districts. The treatment 828
services shall be made available in a manner that ensures that 829
service recipients are able to access the services they need for 830
opioid and co-occurring drug addiction in an integrated manner and 831
without delay when changing or obtaining additional treatment 832
services for such addiction. A treatment service for opioid and 833
co-occurring drug addiction shall not be excluded from the full 834
spectrum of care on the basis that the treatment service 835
previously failed. 836

(C) Categories in the continuum of care for other services 837
may include the following: 838

(1) Inpatient;	839
(2) <u>Sub-acute detoxification;</u>	840
<u>(3) Residential;</u>	841
(3) <u>(4) Outpatient treatment;</u>	842
(4) <u>(5) Intensive and other supports;</u>	843
(5) <u>(6) Recovery support;</u>	844
(6) <u>(7) Prevention and wellness management.</u>	845
(C) <u>(D) Support functions may include the following:</u>	846
(1) Consultation;	847
(2) Research;	848
(3) Administrative;	849
(4) Referral and information;	850
(5) Training;	851
(6) Service and program evaluation.	852
<u>Sec. 340.092. All of the following apply to the recovery</u>	853
<u>housing that each board of alcohol, drug addiction, and mental</u>	854
<u>health services shall include in the full spectrum of care for all</u>	855
<u>levels of treatment services for opioid and co-occurring drug</u>	856
<u>addiction under division (B) of section 340.09 of the Revised</u>	857
<u>Code:</u>	858
<u>(A) The recovery housing shall not be owned or operated by a</u>	859
<u>residential facility as defined in section 5119.34 of the Revised</u>	860
<u>Code and instead shall be owned and operated by the following:</u>	861
<u>(1) Except as provided in division (A)(2) of this section, a</u>	862
<u>community addiction services provider or other local</u>	863
<u>nongovernmental organization (including a peer-run recovery</u>	864
<u>organization), as appropriate to the needs of the board's service</u>	865

<u>district;</u>	866
<u>(2) The board, if either of the following applies:</u>	867
<u>(a) The board owns and operates the recovery housing on the effective date of this section.</u>	868 869
<u>(b) The board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing such as when an existing owner and operator of the recovery housing goes out of business, and the board considers the assumption of ownership and operation of the recovery housing to be its last resort.</u>	870 871 872 873 874 875
<u>(B) The recovery housing shall have protocols for all of the following:</u>	876 877
<u>(1) Administrative oversight;</u>	878
<u>(2) Quality standards;</u>	879
<u>(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.</u>	880 881
<u>(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.</u>	882 883 884 885 886
<u>(D) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit.</u>	887 888 889
<u>(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</u>	890 891 892 893 894 895

integration with a community addiction services provider. 896

(F) The recovery housing's residents may receive 897
medication-assisted treatment while residing in the recovery 898
housing. 899

(G) The recovery housing is not subject to certification by 900
the department of mental health and addiction services under 901
section 5119.36 of the Revised Code. 902

Sec. 340.093. If the amount of funds that a board of alcohol, 903
drug addiction, and mental health services has for the board's 904
full spectrum of care for all levels of treatment services for 905
opioid and co-occurring drug addiction is greater than the amount 906
needed to provide the treatment services to all eligible 907
individuals with opioid and co-occurring drug addictions who apply 908
to the board for the treatment services, the board may use the 909
excess funds to provide the treatment services to other eligible 910
individuals with alcohol or other types of drug addictions. 911

Sec. 340.15. (A) A public children services agency that 912
identifies a child by a risk assessment conducted pursuant to 913
section 5153.16 of the Revised Code as being at imminent risk of 914
being abused or neglected because of an addiction of a parent, 915
guardian, or custodian of the child to a drug of abuse or alcohol 916
shall refer the child's addicted parent, guardian, or custodian 917
and, if the agency determines that the child needs alcohol or 918
other drug addiction services, the child to a community addiction 919
services provider certified by the department of mental health and 920
addiction services under section 5119.36 of the Revised Code. A 921
public children services agency that is sent a court order issued 922
pursuant to division (B) of section 2151.3514 of the Revised Code 923
shall refer the addicted parent or other caregiver of the child 924
identified in the court order to a community addiction services 925

provider certified by the department of mental health and 926
addiction services under section 5119.36 of the Revised Code. On 927
receipt of a referral under this division and to the extent 928
funding identified under division (A)~~(1)~~(2) of section 340.08 of 929
the Revised Code is available, the provider shall provide the 930
following services to the addicted parent, guardian, custodian, or 931
caregiver and child in need of addiction services: 932

(1) If it is determined pursuant to an initial screening to 933
be needed, assessment and appropriate treatment; 934

(2) Documentation of progress in accordance with a treatment 935
plan developed for the addicted parent, guardian, custodian, 936
caregiver, or child; 937

(3) If the referral is based on a court order issued pursuant 938
to division (B) of section 2151.3514 of the Revised Code and the 939
order requires the specified parent or other caregiver of the 940
child to submit to alcohol or other drug testing during, after, or 941
both during and after, treatment, testing in accordance with the 942
court order. 943

(B) The services described in division (A) of this section 944
shall have a priority as provided in the addiction and mental 945
health services plan and budget established pursuant to sections 946
340.03 and 340.08 of the Revised Code. Once a referral has been 947
received pursuant to this section, the public children services 948
agency and the addiction services provider shall, in accordance 949
with 42 C.F.R. Part 2, share with each other any information 950
concerning the persons and services described in that division 951
that the agency and provider determine are necessary to share. If 952
the referral is based on a court order issued pursuant to division 953
(B) of section 2151.3514 of the Revised Code, the results and 954
recommendations of the addiction services provider also shall be 955
provided and used as described in division (D) of that section. 956
Information obtained or maintained by the agency or provider 957

pursuant to this section that could enable the identification of 958
any person described in division (A) of this section is not a 959
public record subject to inspection or copying under section 960
149.43 of the Revised Code. 961

Sec. 340.20. (A) In accordance with the rules adopted under 962
section 5119.363 of the Revised Code, each board of alcohol, drug 963
addiction, and mental health services monthly shall do all of the 964
following: 965

(1) Compile on an aggregate basis the information the board 966
receives that month from community addiction services providers 967
under section 5119.362 of the Revised Code; 968

(2) Determine the number of applications for a treatment 969
service included in the full spectrum of care required by division 970
(B) of section 340.09 of the Revised Code that the board received 971
in the immediately preceding month and that the board denied that 972
month, each type of treatment service so denied, and the reasons 973
for the denials; 974

(3) Subject to division (B) of this section, report all of 975
the following to the department of mental health and addiction 976
services: 977

(a) The information that the board compiles under division 978
(A)(1) of this section that month; 979

(b) The information that the board determines under division 980
(A)(2) of this section that month; 981

(c) All other information required by the rules. 982

(B) Each board shall report the information required by 983
division (A)(3) of this section as follows: 984

(1) In an electronic format; 985

(2) In a manner that maintains the confidentiality of all 986

<u>individuals for whom information is included in the report;</u>	987
<u>(3) In a manner that presents the information about the</u>	988
<u>individuals whose information is included in the report by their</u>	989
<u>counties of residence.</u>	990
Sec. 2945.402. (A) In approving a conditional release, the	991
trial court may set any conditions on the release with respect to	992
the treatment, evaluation, counseling, or control of the defendant	993
or person that the court considers necessary to protect the public	994
safety and the welfare of the defendant or person. The trial court	995
may revoke a defendant's or person's conditional release and order	996
reinstatement of the previous placement or reinstitutionalization	997
at any time the conditions of the release have not been satisfied,	998
provided that the revocation shall be in accordance with this	999
section.	1000
(B) A conditional release is a commitment. The hearings on	1001
continued commitment as described in section 2945.401 of the	1002
Revised Code apply to a defendant or person on conditional	1003
release.	1004
(C) A person, agency, or facility that is assigned to monitor	1005
a defendant or person on conditional release immediately shall	1006
notify the trial court on learning that the defendant or person	1007
being monitored has violated the terms of the conditional release.	1008
Upon learning of any violation of the terms of the conditional	1009
release, the trial court may issue a temporary order of detention	1010
or, if necessary, an arrest warrant for the defendant or person.	1011
Within ten court days after the defendant's or person's detention	1012
or arrest, the trial court shall conduct a hearing to determine	1013
whether the conditional release should be modified or terminated.	1014
At the hearing, the defendant or person shall have the same rights	1015
as are described in division (C) of section 2945.40 of the Revised	1016
Code. The trial court may order a continuance of the ten-court-day	1017

period for no longer than ten days for good cause shown or for any 1018
period on motion of the defendant or person. If the trial court 1019
fails to conduct the hearing within the ten-court-day period and 1020
does not order a continuance in accordance with this division, the 1021
defendant or person shall be restored to the prior conditional 1022
release status. 1023

(D) The trial court shall give all parties reasonable notice 1024
of a hearing conducted under this section. At the hearing, the 1025
prosecutor shall present the case demonstrating that the defendant 1026
or person violated the terms of the conditional release. If the 1027
court finds by a preponderance of the evidence that the defendant 1028
or person violated the terms of the conditional release, the court 1029
may continue, modify, or terminate the conditional release and 1030
shall enter its order accordingly. 1031

(E)(1) If a court approves a conditional release, the court 1032
shall report the approval and information pertaining to the 1033
release to the local law enforcement agency. The local law 1034
enforcement agency shall enter the approval and information into 1035
the national crime information center supervised release file 1036
through the law enforcement automated data system. The information 1037
required by divisions (E)(1)(c) and (d) of this section shall be 1038
entered into the file's miscellaneous field. The information 1039
reported and entered shall include all of the following: 1040

(a) The name of the court providing the information; 1041

(b) The offense or offenses with which the defendant or 1042
person was charged; 1043

(c) Whether the person was found not guilty by reason of 1044
insanity or incompetent to stand trial with no substantial 1045
probability of becoming competent even with a course of treatment; 1046

(d) The reason for the conditional release; 1047

(e) Any other information required for the entry of 1048

information into the national crime information center supervised 1049
release file. 1050

(2) Information entered into the national crime information 1051
center supervised release file pursuant to this section shall 1052
remain in the file until the termination of the conditional 1053
release or commitment. 1054

(3) If a defendant or person about whom information is 1055
entered into the national crime information center supervised 1056
release file pursuant to division (E)(1) of this section has 1057
contact with a law enforcement agency after the information is 1058
entered, the agency shall report the contact to the department of 1059
mental health and addiction services and, if the terms of the 1060
release require the defendant or person to receive mental health 1061
treatment, to the person, office, or agency providing the 1062
treatment. 1063

(4) As used in division (E) of this section, "local law 1064
enforcement agency" means the police department of a municipal 1065
corporation in which the offense with which a releasee was charged 1066
allegedly occurred or, if the offense did not allegedly occur in a 1067
municipal corporation, the sheriff of the county in which the 1068
offense allegedly occurred. 1069

Sec. 3701.74. (A) As used in this section and section 1070
3701.741 of the Revised Code: 1071

(1) "Ambulatory care facility" means a facility that provides 1072
medical, diagnostic, or surgical treatment to patients who do not 1073
require hospitalization, including a dialysis center, ambulatory 1074
surgical facility, cardiac catheterization facility, diagnostic 1075
imaging center, extracorporeal shock wave lithotripsy center, home 1076
health agency, inpatient hospice, birthing center, radiation 1077
therapy center, emergency facility, and an urgent care center. 1078
"Ambulatory care facility" does not include the private office of 1079

a physician or dentist, whether the office is for an individual or group practice.	1080 1081
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	1082 1083
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	1084 1085 1086
(4) "Health care practitioner" means all of the following:	1087
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	1088 1089
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	1090 1091
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	1092 1093
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	1094 1095 1096 1097
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	1098 1099
(f) A physician;	1100
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	1101 1102
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	1103 1104
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	1105 1106
(j) A chiropractor;	1107
(k) A hearing aid dealer or fitter licensed under Chapter	1108

4747. of the Revised Code;	1109
(1) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	1110 1111
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	1112 1113
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	1114 1115
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	1116 1117 1118 1119
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	1120 1121
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	1122 1123
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	1124 1125 1126
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	1127 1128 1129
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	1130 1131
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing	1132 1133 1134 1135 1136 1137 1138

facility, as defined in section 5165.01 of the Revised Code; and 1139
an intermediate care facility for individuals with intellectual 1140
disabilities, as defined in section 5124.01 of the Revised Code. 1141

(8) "Medical record" means data in any form that pertains to 1142
a patient's medical history, diagnosis, prognosis, or medical 1143
condition and that is generated and maintained by a health care 1144
provider in the process of the patient's health care treatment. 1145

(9) "Medical records company" means a person who stores, 1146
locates, or copies medical records for a health care provider, or 1147
is compensated for doing so by a health care provider, and charges 1148
a fee for providing medical records to a patient or patient's 1149
representative. 1150

(10) "Patient" means either of the following: 1151

(a) An individual who received health care treatment from a 1152
health care provider; 1153

(b) A guardian, as defined in section 1337.11 of the Revised 1154
Code, of an individual described in division (A)(10)(a) of this 1155
section. 1156

(11) "Patient's personal representative" means a minor 1157
patient's parent or other person acting in loco parentis, a 1158
court-appointed guardian, or a person with durable power of 1159
attorney for health care for a patient, the executor or 1160
administrator of the patient's estate, or the person responsible 1161
for the patient's estate if it is not to be probated. "Patient's 1162
personal representative" does not include an insurer authorized 1163
under Title XXXIX of the Revised Code to do the business of 1164
sickness and accident insurance in this state, a health insuring 1165
corporation holding a certificate of authority under Chapter 1751. 1166
of the Revised Code, or any other person not named in this 1167
division. 1168

(12) "Pharmacy" has the same meaning as in section 4729.01 of 1169

the Revised Code. 1170

(13) "Physician" means a person authorized under Chapter 1171
4731. of the Revised Code to practice medicine and surgery, 1172
osteopathic medicine and surgery, or podiatric medicine and 1173
surgery. 1174

(14) "Authorized person" means a person to whom a patient has 1175
given written authorization to act on the patient's behalf 1176
regarding the patient's medical record. 1177

(B) A patient, a patient's personal representative, or an 1178
authorized person who wishes to examine or obtain a copy of part 1179
or all of a medical record shall submit to the health care 1180
provider a written request signed by the patient, personal 1181
representative, or authorized person dated not more than one year 1182
before the date on which it is submitted. The request shall 1183
indicate whether the copy is to be sent to the requestor, 1184
physician or chiropractor, or held for the requestor at the office 1185
of the health care provider. Within a reasonable time after 1186
receiving a request that meets the requirements of this division 1187
and includes sufficient information to identify the record 1188
requested, a health care provider that has the patient's medical 1189
records shall permit the patient to examine the record during 1190
regular business hours without charge or, on request, shall 1191
provide a copy of the record in accordance with section 3701.741 1192
of the Revised Code, except that if a physician or chiropractor 1193
who has treated the patient determines for clearly stated 1194
treatment reasons that disclosure of the requested record is 1195
likely to have an adverse effect on the patient, the health care 1196
provider shall provide the record to a physician or chiropractor 1197
designated by the patient. The health care provider shall take 1198
reasonable steps to establish the identity of the person making 1199
the request to examine or obtain a copy of the patient's record. 1200

(C) If a health care provider fails to furnish a medical 1201

record as required by division (B) of this section, the patient, 1202
personal representative, or authorized person who requested the 1203
record may bring a civil action to enforce the patient's right of 1204
access to the record. 1205

(D)(1) This section does not apply to medical records whose 1206
release is covered by section 173.20 or 3721.13 of the Revised 1207
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 1208
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 1209
Records," or by 42 C.F.R. 483.10. 1210

(2) Nothing in this section is intended to supersede the 1211
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 1212
and 2305.252 of the Revised Code. 1213

Sec. 4511.191. (A)(1) As used in this section: 1214

(a) "Physical control" has the same meaning as in section 1215
4511.194 of the Revised Code. 1216

(b) "Alcohol monitoring device" means any device that 1217
provides for continuous alcohol monitoring, any ignition interlock 1218
device, any immobilizing or disabling device other than an 1219
ignition interlock device that is constantly available to monitor 1220
the concentration of alcohol in a person's system, or any other 1221
device that provides for the automatic testing and periodic 1222
reporting of alcohol consumption by a person and that a court 1223
orders a person to use as a sanction imposed as a result of the 1224
person's conviction of or plea of guilty to an offense. 1225

(2) Any person who operates a vehicle, streetcar, or 1226
trackless trolley upon a highway or any public or private property 1227
used by the public for vehicular travel or parking within this 1228
state or who is in physical control of a vehicle, streetcar, or 1229
trackless trolley shall be deemed to have given consent to a 1230
chemical test or tests of the person's whole blood, blood serum or 1231

plasma, breath, or urine to determine the alcohol, drug of abuse, 1232
controlled substance, metabolite of a controlled substance, or 1233
combination content of the person's whole blood, blood serum or 1234
plasma, breath, or urine if arrested for a violation of division 1235
(A) or (B) of section 4511.19 of the Revised Code, section 1236
4511.194 of the Revised Code or a substantially equivalent 1237
municipal ordinance, or a municipal OVI ordinance. 1238

(3) The chemical test or tests under division (A)(2) of this 1239
section shall be administered at the request of a law enforcement 1240
officer having reasonable grounds to believe the person was 1241
operating or in physical control of a vehicle, streetcar, or 1242
trackless trolley in violation of a division, section, or 1243
ordinance identified in division (A)(2) of this section. The law 1244
enforcement agency by which the officer is employed shall 1245
designate which of the tests shall be administered. 1246

(4) Any person who is dead or unconscious, or who otherwise 1247
is in a condition rendering the person incapable of refusal, shall 1248
be deemed to have consented as provided in division (A)(2) of this 1249
section, and the test or tests may be administered, subject to 1250
sections 313.12 to 313.16 of the Revised Code. 1251

(5)(a) If a law enforcement officer arrests a person for a 1252
violation of division (A) or (B) of section 4511.19 of the Revised 1253
Code, section 4511.194 of the Revised Code or a substantially 1254
equivalent municipal ordinance, or a municipal OVI ordinance and 1255
if the person if convicted would be required to be sentenced under 1256
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 1257
Code, the law enforcement officer shall request the person to 1258
submit, and the person shall submit, to a chemical test or tests 1259
of the person's whole blood, blood serum or plasma, breath, or 1260
urine for the purpose of determining the alcohol, drug of abuse, 1261
controlled substance, metabolite of a controlled substance, or 1262
combination content of the person's whole blood, blood serum or 1263

plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and

sent to the registrar of motor vehicles and a court pursuant to 1296
section 4511.192 of the Revised Code in regard to a person who 1297
refused to take the designated chemical test, the registrar shall 1298
enter into the registrar's records the fact that the person's 1299
driver's or commercial driver's license or permit or nonresident 1300
operating privilege was suspended by the arresting officer under 1301
this division and that section and the period of the suspension, 1302
as determined under this section. The suspension shall be subject 1303
to appeal as provided in section 4511.197 of the Revised Code. The 1304
suspension shall be for whichever of the following periods 1305
applies: 1306

(a) Except when division (B)(1)(b), (c), or (d) of this 1307
section applies and specifies a different class or length of 1308
suspension, the suspension shall be a class C suspension for the 1309
period of time specified in division (B)(3) of section 4510.02 of 1310
the Revised Code. 1311

(b) If the arrested person, within six years of the date on 1312
which the person refused the request to consent to the chemical 1313
test, had refused one previous request to consent to a chemical 1314
test or had been convicted of or pleaded guilty to one violation 1315
of division (A) or (B) of section 4511.19 of the Revised Code or 1316
one other equivalent offense, the suspension shall be a class B 1317
suspension imposed for the period of time specified in division 1318
(B)(2) of section 4510.02 of the Revised Code. 1319

(c) If the arrested person, within six years of the date on 1320
which the person refused the request to consent to the chemical 1321
test, had refused two previous requests to consent to a chemical 1322
test, had been convicted of or pleaded guilty to two violations of 1323
division (A) or (B) of section 4511.19 of the Revised Code or 1324
other equivalent offenses, or had refused one previous request to 1325
consent to a chemical test and also had been convicted of or 1326
pleaded guilty to one violation of division (A) or (B) of section 1327

4511.19 of the Revised Code or other equivalent offenses, which 1328
violation or offense arose from an incident other than the 1329
incident that led to the refusal, the suspension shall be a class 1330
A suspension imposed for the period of time specified in division 1331
(B)(1) of section 4510.02 of the Revised Code. 1332

(d) If the arrested person, within six years of the date on 1333
which the person refused the request to consent to the chemical 1334
test, had refused three or more previous requests to consent to a 1335
chemical test, had been convicted of or pleaded guilty to three or 1336
more violations of division (A) or (B) of section 4511.19 of the 1337
Revised Code or other equivalent offenses, or had refused a number 1338
of previous requests to consent to a chemical test and also had 1339
been convicted of or pleaded guilty to a number of violations of 1340
division (A) or (B) of section 4511.19 of the Revised Code or 1341
other equivalent offenses that cumulatively total three or more 1342
such refusals, convictions, and guilty pleas, the suspension shall 1343
be for five years. 1344

(2) The registrar shall terminate a suspension of the 1345
driver's or commercial driver's license or permit of a resident or 1346
of the operating privilege of a nonresident, or a denial of a 1347
driver's or commercial driver's license or permit, imposed 1348
pursuant to division (B)(1) of this section upon receipt of notice 1349
that the person has entered a plea of guilty to, or that the 1350
person has been convicted after entering a plea of no contest to, 1351
operating a vehicle in violation of section 4511.19 of the Revised 1352
Code or in violation of a municipal OVI ordinance, if the offense 1353
for which the conviction is had or the plea is entered arose from 1354
the same incident that led to the suspension or denial. 1355

The registrar shall credit against any judicial suspension of 1356
a person's driver's or commercial driver's license or permit or 1357
nonresident operating privilege imposed pursuant to section 1358
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 1359

Revised Code for a violation of a municipal OVI ordinance, any 1360
time during which the person serves a related suspension imposed 1361
pursuant to division (B)(1) of this section. 1362

(C)(1) Upon receipt of the sworn report of the law 1363
enforcement officer who arrested a person for a violation of 1364
division (A) or (B) of section 4511.19 of the Revised Code or a 1365
municipal OVI ordinance that was completed and sent to the 1366
registrar and a court pursuant to section 4511.192 of the Revised 1367
Code in regard to a person whose test results indicate that the 1368
person's whole blood, blood serum or plasma, breath, or urine 1369
contained at least the concentration of alcohol specified in 1370
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 1371
Revised Code or at least the concentration of a listed controlled 1372
substance or a listed metabolite of a controlled substance 1373
specified in division (A)(1)(j) of section 4511.19 of the Revised 1374
Code, the registrar shall enter into the registrar's records the 1375
fact that the person's driver's or commercial driver's license or 1376
permit or nonresident operating privilege was suspended by the 1377
arresting officer under this division and section 4511.192 of the 1378
Revised Code and the period of the suspension, as determined under 1379
divisions (C)(1)(a) to (d) of this section. The suspension shall 1380
be subject to appeal as provided in section 4511.197 of the 1381
Revised Code. The suspension described in this division does not 1382
apply to, and shall not be imposed upon, a person arrested for a 1383
violation of section 4511.194 of the Revised Code or a 1384
substantially equivalent municipal ordinance who submits to a 1385
designated chemical test. The suspension shall be for whichever of 1386
the following periods applies: 1387

(a) Except when division (C)(1)(b), (c), or (d) of this 1388
section applies and specifies a different period, the suspension 1389
shall be a class E suspension imposed for the period of time 1390
specified in division (B)(5) of section 4510.02 of the Revised 1391

Code. 1392

(b) The suspension shall be a class C suspension for the 1393
period of time specified in division (B)(3) of section 4510.02 of 1394
the Revised Code if the person has been convicted of or pleaded 1395
guilty to, within six years of the date the test was conducted, 1396
one violation of division (A) or (B) of section 4511.19 of the 1397
Revised Code or one other equivalent offense. 1398

(c) If, within six years of the date the test was conducted, 1399
the person has been convicted of or pleaded guilty to two 1400
violations of a statute or ordinance described in division 1401
(C)(1)(b) of this section, the suspension shall be a class B 1402
suspension imposed for the period of time specified in division 1403
(B)(2) of section 4510.02 of the Revised Code. 1404

(d) If, within six years of the date the test was conducted, 1405
the person has been convicted of or pleaded guilty to more than 1406
two violations of a statute or ordinance described in division 1407
(C)(1)(b) of this section, the suspension shall be a class A 1408
suspension imposed for the period of time specified in division 1409
(B)(1) of section 4510.02 of the Revised Code. 1410

(2) The registrar shall terminate a suspension of the 1411
driver's or commercial driver's license or permit of a resident or 1412
of the operating privilege of a nonresident, or a denial of a 1413
driver's or commercial driver's license or permit, imposed 1414
pursuant to division (C)(1) of this section upon receipt of notice 1415
that the person has entered a plea of guilty to, or that the 1416
person has been convicted after entering a plea of no contest to, 1417
operating a vehicle in violation of section 4511.19 of the Revised 1418
Code or in violation of a municipal OVI ordinance, if the offense 1419
for which the conviction is had or the plea is entered arose from 1420
the same incident that led to the suspension or denial. 1421

The registrar shall credit against any judicial suspension of 1422

a person's driver's or commercial driver's license or permit or 1423
nonresident operating privilege imposed pursuant to section 1424
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 1425
Revised Code for a violation of a municipal OVI ordinance, any 1426
time during which the person serves a related suspension imposed 1427
pursuant to division (C)(1) of this section. 1428

(D)(1) A suspension of a person's driver's or commercial 1429
driver's license or permit or nonresident operating privilege 1430
under this section for the time described in division (B) or (C) 1431
of this section is effective immediately from the time at which 1432
the arresting officer serves the notice of suspension upon the 1433
arrested person. Any subsequent finding that the person is not 1434
guilty of the charge that resulted in the person being requested 1435
to take the chemical test or tests under division (A) of this 1436
section does not affect the suspension. 1437

(2) If a person is arrested for operating a vehicle, 1438
streetcar, or trackless trolley in violation of division (A) or 1439
(B) of section 4511.19 of the Revised Code or a municipal OVI 1440
ordinance, or for being in physical control of a vehicle, 1441
streetcar, or trackless trolley in violation of section 4511.194 1442
of the Revised Code or a substantially equivalent municipal 1443
ordinance, regardless of whether the person's driver's or 1444
commercial driver's license or permit or nonresident operating 1445
privilege is or is not suspended under division (B) or (C) of this 1446
section or Chapter 4510. of the Revised Code, the person's initial 1447
appearance on the charge resulting from the arrest shall be held 1448
within five days of the person's arrest or the issuance of the 1449
citation to the person, subject to any continuance granted by the 1450
court pursuant to section 4511.197 of the Revised Code regarding 1451
the issues specified in that division. 1452

(E) When it finally has been determined under the procedures 1453
of this section and sections 4511.192 to 4511.197 of the Revised 1454

Code that a nonresident's privilege to operate a vehicle within 1455
this state has been suspended, the registrar shall give 1456
information in writing of the action taken to the motor vehicle 1457
administrator of the state of the person's residence and of any 1458
state in which the person has a license. 1459

(F) At the end of a suspension period under this section, 1460
under section 4511.194, section 4511.196, or division (G) of 1461
section 4511.19 of the Revised Code, or under section 4510.07 of 1462
the Revised Code for a violation of a municipal OVI ordinance and 1463
upon the request of the person whose driver's or commercial 1464
driver's license or permit was suspended and who is not otherwise 1465
subject to suspension, cancellation, or disqualification, the 1466
registrar shall return the driver's or commercial driver's license 1467
or permit to the person upon the occurrence of all of the 1468
conditions specified in divisions (F)(1) and (2) of this section: 1469

(1) A showing that the person has proof of financial 1470
responsibility, a policy of liability insurance in effect that 1471
meets the minimum standards set forth in section 4509.51 of the 1472
Revised Code, or proof, to the satisfaction of the registrar, that 1473
the person is able to respond in damages in an amount at least 1474
equal to the minimum amounts specified in section 4509.51 of the 1475
Revised Code. 1476

(2) Subject to the limitation contained in division (F)(3) of 1477
this section, payment by the person to the registrar or an 1478
eligible deputy registrar of a license reinstatement fee of four 1479
hundred seventy-five dollars, ~~which fee.~~ The registrar or deputy 1480
registrar shall be deposited deposit the fee in the state treasury 1481
~~and to be~~ credited as follows: 1482

(a) One hundred twelve dollars and fifty cents shall be 1483
credited to the statewide treatment and prevention fund created by 1484
section 4301.30 of the Revised Code. Money credited to the fund 1485
under this section shall be used for purposes identified under 1486

section 5119.22 of the Revised Code. 1487

(b) Seventy-five dollars shall be credited to the reparations 1488
fund created by section 2743.191 of the Revised Code. 1489

(c) Thirty-seven dollars and fifty cents shall be credited to 1490
the indigent drivers alcohol treatment fund, which is hereby 1491
established in the state treasury. ~~Except as otherwise provided in~~ 1492
~~division (F)(2)(c) of this section, moneys in the fund shall be~~ 1493
~~distributed by the~~ The department of mental health and addiction 1494
services shall distribute the moneys in that fund to the county 1495
indigent drivers alcohol treatment funds, the county juvenile 1496
indigent drivers alcohol treatment funds, and the municipal 1497
indigent drivers alcohol treatment funds that are required to be 1498
established by counties and municipal corporations pursuant to 1499
division (H) of this section, ~~and shall~~ to be used only ~~to pay the~~ 1500
~~cost of an alcohol and drug addiction treatment program attended~~ 1501
~~by an offender or juvenile traffic offender who is ordered to~~ 1502
~~attend an alcohol and drug addiction treatment program by a~~ 1503
~~county, juvenile, or municipal court judge and who is determined~~ 1504
~~by the county, juvenile, or municipal court judge not to have the~~ 1505
~~means to pay for the person's attendance at the program or to pay~~ 1506
~~the costs specified in division (H)(4) of this section in~~ 1507
~~accordance with that division. In addition, a county, juvenile, or~~ 1508
~~municipal court judge may use moneys in the county indigent~~ 1509
~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 1510
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 1511
~~treatment fund to pay for the cost of the continued use of an~~ 1512
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 1513
~~of this section~~ as provided in division (H)(3) of this section. 1514
Moneys in the fund that are not distributed to a county indigent 1515
drivers alcohol treatment fund, a county juvenile indigent drivers 1516
alcohol treatment fund, or a municipal indigent drivers alcohol 1517
treatment fund under division (H) of this section because the 1518

director of mental health and addiction services does not have the 1519
information necessary to identify the county or municipal 1520
corporation where the offender or juvenile offender was arrested 1521
may be transferred by the director of budget and management to the 1522
statewide treatment and prevention fund created by section 4301.30 1523
of the Revised Code, upon certification of the amount by the 1524
director of mental health and addiction services. 1525

(d) Seventy-five dollars shall be credited to the 1526
opportunities for Ohioans with disabilities agency established by 1527
section 3304.15 of the Revised Code, to the services for 1528
rehabilitation fund, which is hereby established. The fund shall 1529
be used to match available federal matching funds where 1530
appropriate, and for any other purpose or program of the agency to 1531
rehabilitate persons with disabilities to help them become 1532
employed and independent. 1533

(e) Seventy-five dollars shall be deposited into the state 1534
treasury and credited to the drug abuse resistance education 1535
programs fund, which is hereby established, to be used by the 1536
attorney general for the purposes specified in division (F)(4) of 1537
this section. 1538

(f) Thirty dollars shall be credited to the state bureau of 1539
motor vehicles fund created by section 4501.25 of the Revised 1540
Code. 1541

(g) Twenty dollars shall be credited to the trauma and 1542
emergency medical services fund created by section 4513.263 of the 1543
Revised Code. 1544

(h) Fifty dollars shall be credited to the indigent drivers 1545
interlock and alcohol monitoring fund, which is hereby established 1546
in the state treasury. Moneys in the fund shall be distributed by 1547
the department of public safety to the county indigent drivers 1548
interlock and alcohol monitoring funds, the county juvenile 1549

indigent drivers interlock and alcohol monitoring funds, and the 1550
municipal indigent drivers interlock and alcohol monitoring funds 1551
that are required to be established by counties and municipal 1552
corporations pursuant to this section, and shall be used only to 1553
pay the cost of an immobilizing or disabling device, including a 1554
certified ignition interlock device, or an alcohol monitoring 1555
device used by an offender or juvenile offender who is ordered to 1556
use the device by a county, juvenile, or municipal court judge and 1557
who is determined by the county, juvenile, or municipal court 1558
judge not to have the means to pay for the person's use of the 1559
device. 1560

(3) If a person's driver's or commercial driver's license or 1561
permit is suspended under this section, under section 4511.196 or 1562
division (G) of section 4511.19 of the Revised Code, under section 1563
4510.07 of the Revised Code for a violation of a municipal OVI 1564
ordinance or under any combination of the suspensions described in 1565
division (F)(3) of this section, and if the suspensions arise from 1566
a single incident or a single set of facts and circumstances, the 1567
person is liable for payment of, and shall be required to pay to 1568
the registrar or an eligible deputy registrar, only one 1569
reinstatement fee of four hundred seventy-five dollars. The 1570
reinstatement fee shall be distributed by the bureau in accordance 1571
with division (F)(2) of this section. 1572

(4) The attorney general shall use amounts in the drug abuse 1573
resistance education programs fund to award grants to law 1574
enforcement agencies to establish and implement drug abuse 1575
resistance education programs in public schools. Grants awarded to 1576
a law enforcement agency under this section shall be used by the 1577
agency to pay for not more than fifty per cent of the amount of 1578
the salaries of law enforcement officers who conduct drug abuse 1579
resistance education programs in public schools. The attorney 1580
general shall not use more than six per cent of the amounts the 1581

attorney general's office receives under division (F)(2)(e) of 1582
this section to pay the costs it incurs in administering the grant 1583
program established by division (F)(2)(e) of this section and in 1584
providing training and materials relating to drug abuse resistance 1585
education programs. 1586

The attorney general shall report to the governor and the 1587
general assembly each fiscal year on the progress made in 1588
establishing and implementing drug abuse resistance education 1589
programs. These reports shall include an evaluation of the 1590
effectiveness of these programs. 1591

(5) In addition to the reinstatement fee under this section, 1592
if the person pays the reinstatement fee to a deputy registrar, 1593
the deputy registrar shall collect a service fee of ten dollars to 1594
compensate the deputy registrar for services performed under this 1595
section. The deputy registrar shall retain eight dollars of the 1596
service fee and shall transmit the reinstatement fee, plus two 1597
dollars of the service fee, to the registrar in the manner the 1598
registrar shall determine. 1599

(G) Suspension of a commercial driver's license under 1600
division (B) or (C) of this section shall be concurrent with any 1601
period of disqualification under section 3123.611 or 4506.16 of 1602
the Revised Code or any period of suspension under section 3123.58 1603
of the Revised Code. No person who is disqualified for life from 1604
holding a commercial driver's license under section 4506.16 of the 1605
Revised Code shall be issued a driver's license under Chapter 1606
4507. of the Revised Code during the period for which the 1607
commercial driver's license was suspended under division (B) or 1608
(C) of this section. No person whose commercial driver's license 1609
is suspended under division (B) or (C) of this section shall be 1610
issued a driver's license under Chapter 4507. of the Revised Code 1611
during the period of the suspension. 1612

(H)(1) Each county shall establish an indigent drivers 1613

alcohol treatment fund, ~~each county shall establish and~~ a juvenile 1614
indigent drivers alcohol treatment fund, ~~and each. Each~~ municipal 1615
corporation in which there is a municipal court shall establish an 1616
indigent drivers alcohol treatment fund. ~~All revenue that the~~ 1617
~~general assembly appropriates to the indigent drivers alcohol~~ 1618
~~treatment fund for transfer to a county indigent drivers alcohol~~ 1619
~~treatment fund, a county juvenile indigent drivers alcohol~~ 1620
~~treatment fund, or a municipal indigent drivers alcohol treatment~~ 1621
~~fund, all portions of fees that are paid under division (F) of~~ 1622
~~this section and that are credited under that division to the~~ 1623
~~indigent drivers alcohol treatment fund in the state treasury for~~ 1624
~~a county indigent drivers alcohol treatment fund, a county~~ 1625
~~juvenile indigent drivers alcohol treatment fund, or a municipal~~ 1626
~~indigent drivers alcohol treatment fund, all portions of~~ 1627
~~additional costs imposed under section 2949.094 of the Revised~~ 1628
~~Code that are specified for deposit into a county, county~~ 1629
~~juvenile, or municipal indigent drivers alcohol treatment fund by~~ 1630
~~that section, and all portions of fines that are specified for~~ 1631
~~deposit into a county or municipal indigent drivers alcohol~~ 1632
~~treatment fund by section 4511.193 of the Revised Code shall be~~ 1633
~~deposited into that county indigent drivers alcohol treatment~~ 1634
~~fund, county juvenile indigent drivers alcohol treatment fund, or~~ 1635
~~municipal indigent drivers alcohol treatment fund. The portions of~~ 1636
~~the fees paid under division (F) of this section that are to be so~~ 1637
~~deposited shall be determined in accordance with division (H)(2)~~ 1638
~~of this section. Additionally, all portions of fines that are paid~~ 1639
~~for a violation of section 4511.19 of the Revised Code or of any~~ 1640
~~prohibition contained in Chapter 4510. of the Revised Code, and~~ 1641
~~that are required under section 4511.19 or any provision of~~ 1642
~~Chapter 4510. of the Revised Code to be deposited into a county~~ 1643
~~indigent drivers alcohol treatment fund or municipal indigent~~ 1644
~~drivers alcohol treatment fund shall be deposited into the~~ 1645
~~appropriate fund in accordance with the applicable division of the~~ 1646

~~section or provision.~~ 1647

The treasurer of state or other appropriate official, as 1648
applicable, shall transfer the following into each county indigent 1649
drivers alcohol treatment fund, county juvenile indigent drivers 1650
alcohol treatment fund, or municipal indigent drivers alcohol 1651
treatment fund, as applicable: 1652

(a) All revenue the general assembly appropriates to the 1653
indigent drivers alcohol treatment fund for transfer into such a 1654
fund; 1655

(b) All portions of fees paid under division (F) of this 1656
section that, in accordance with division (H)(2) of this section, 1657
are credited to the indigent drivers alcohol treatment fund for 1658
deposit into such a fund; 1659

(c) All portions of additional costs imposed under section 1660
2949.094 of the Revised Code that are required to be deposited 1661
into such a fund; 1662

(d) All portions of fines that are required to be deposited 1663
into such a fund under section 4511.193 of the Revised Code; 1664

(e) All portions of fines paid under section 4511.19 of the 1665
Revised Code or Chapter 4510. of the Revised Code that are 1666
required to be paid into such a fund. 1667

(2) That portion of the license reinstatement fee that is 1668
paid under division (F) of this section and that is credited under 1669
that division to the indigent drivers alcohol treatment fund shall 1670
be deposited into a county indigent drivers alcohol treatment 1671
fund, a county juvenile indigent drivers alcohol treatment fund, 1672
or a municipal indigent drivers alcohol treatment fund as follows: 1673

(a) Regarding a suspension imposed under this section, that 1674
portion of the fee shall be deposited as follows: 1675

(i) If the fee is paid by a person who was charged in a 1676

county court with the violation that resulted in the suspension or 1677
in the imposition of the court costs, the portion shall be 1678
deposited into the county indigent drivers alcohol treatment fund 1679
under the control of that court; 1680

(ii) If the fee is paid by a person who was charged in a 1681
juvenile court with the violation that resulted in the suspension 1682
or in the imposition of the court costs, the portion shall be 1683
deposited into the county juvenile indigent drivers alcohol 1684
treatment fund established in the county served by the court; 1685

(iii) If the fee is paid by a person who was charged in a 1686
municipal court with the violation that resulted in the suspension 1687
or in the imposition of the court costs, the portion shall be 1688
deposited into the municipal indigent drivers alcohol treatment 1689
fund under the control of that court. 1690

(b) Regarding a suspension imposed under section 4511.19 of 1691
the Revised Code or under section 4510.07 of the Revised Code for 1692
a violation of a municipal OVI ordinance, that portion of the fee 1693
shall be deposited as follows: 1694

(i) If the fee is paid by a person whose license or permit 1695
was suspended by a county court, the portion shall be deposited 1696
into the county indigent drivers alcohol treatment fund under the 1697
control of that court; 1698

(ii) If the fee is paid by a person whose license or permit 1699
was suspended by a municipal court, the portion shall be deposited 1700
into the municipal indigent drivers alcohol treatment fund under 1701
the control of that court. 1702

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 1703
section, "indigent person" means a person who is convicted of, or 1704
found to be a juvenile traffic offender by reason of, a violation 1705
of division (A) of section 4511.19 of the Revised Code or a 1706
substantially similar municipal ordinance, who is ordered by the 1707

court to attend an alcohol and drug addiction treatment program, 1708
and who is determined by the court under division (H)(5) of this 1709
section to be unable to pay the cost of the assessment or the cost 1710
of attendance at the treatment program. 1711

(b) A county, juvenile, or municipal court judge, by order, 1712
may make expenditures from a county indigent drivers alcohol 1713
treatment fund, a county juvenile indigent drivers alcohol 1714
treatment fund, or a municipal indigent drivers alcohol treatment 1715
fund shall be made only upon the order of a county, juvenile, or 1716
municipal court judge and only for payment of the cost of an 1717
assessment or the cost of the attendance at an alcohol and drug 1718
addiction treatment program of a with respect to an indigent 1719
person who is convicted of, or found to be a juvenile traffic 1720
offender by reason of, a violation of division (A) of section 1721
4511.19 of the Revised Code or a substantially similar municipal 1722
ordinance, who is ordered by the court to attend the alcohol and 1723
drug addiction treatment program, and who is determined by the 1724
court to be unable to pay the cost of the assessment or the cost 1725
of attendance at the treatment program or for payment of the costs 1726
specified in division (H)(4) of this section in accordance with 1727
that division. The for any of the following: 1728

(i) To pay the cost of an assessment that is conducted by an 1729
appropriately licensed clinician at either a driver intervention 1730
program that is certified under section 5119.38 of the Revised 1731
Code or at a community addiction services provider that is 1732
certified under section 5119.36 of the Revised Code; 1733

(ii) To pay the cost of alcohol addiction services, drug 1734
addiction services, or integrated alcohol and drug addiction 1735
services at a community addiction services provider that is 1736
certified under section 5119.36 of the Revised Code; 1737

(iii) To pay the cost of transportation to attend an 1738
assessment as provided under division (H)(3)(b)(i) of this section 1739

or addiction services as provided under division (H)(3)(b)(ii) of 1740
this section. 1741

The alcohol and drug addiction services board or the board of 1742
alcohol, drug addiction, and mental health services established 1743
pursuant to section 340.02 or 340.021 of the Revised Code and 1744
serving the alcohol, drug addiction, and mental health service 1745
district in which the court is located shall administer the 1746
indigent drivers alcohol treatment program of the court. When a 1747
court orders an offender or juvenile traffic offender to obtain an 1748
assessment or attend an alcohol and drug addiction treatment 1749
program, the board shall determine which program is suitable to 1750
meet the needs of the offender or juvenile traffic offender, and 1751
when a suitable program is located and space is available at the 1752
program, the offender or juvenile traffic offender shall attend 1753
the program designated by the board. A reasonable amount not to 1754
exceed five per cent of the amounts credited to and deposited into 1755
the county indigent drivers alcohol treatment fund, the county 1756
juvenile indigent drivers alcohol treatment fund, or the municipal 1757
indigent drivers alcohol treatment fund serving every court whose 1758
program is administered by that board shall be paid to the board 1759
to cover the costs it incurs in administering those indigent 1760
drivers alcohol treatment programs. 1761

~~In addition, upon~~ (c) Upon exhaustion of moneys in the 1762
indigent drivers interlock and alcohol monitoring fund for the use 1763
of an alcohol monitoring device, a county, juvenile, or municipal 1764
court judge may use moneys in the county indigent drivers alcohol 1765
treatment fund, county juvenile indigent drivers alcohol treatment 1766
fund, or municipal indigent drivers alcohol treatment fund in 1767
either of the following manners: 1768

~~(a)~~(i) If the source of the moneys was an appropriation of 1769
the general assembly, a portion of a fee that was paid under 1770
division (F) of this section, a portion of a fine that was 1771

specified for deposit into the fund by section 4511.193 of the 1772
Revised Code, or a portion of a fine that was paid for a violation 1773
of section 4511.19 of the Revised Code or of a provision contained 1774
in Chapter 4510. of the Revised Code that was required to be 1775
deposited into the fund, to pay for the continued use of an 1776
alcohol monitoring device by an offender or juvenile traffic 1777
offender, in conjunction with a treatment program approved by the 1778
department of mental health and addiction services, when such use 1779
is determined clinically necessary by the treatment program and 1780
when the court determines that the offender or juvenile traffic 1781
offender is unable to pay all or part of the daily monitoring or 1782
cost of the device; 1783

~~(b)(ii)~~ If the source of the moneys was a portion of an 1784
additional court cost imposed under section 2949.094 of the 1785
Revised Code, to pay for the continued use of an alcohol 1786
monitoring device by an offender or juvenile traffic offender when 1787
the court determines that the offender or juvenile traffic 1788
offender is unable to pay all or part of the daily monitoring or 1789
cost of the device. The moneys may be used for a device as 1790
described in this division if the use of the device is in 1791
conjunction with a treatment program approved by the department of 1792
mental health and addiction services, when the use of the device 1793
is determined clinically necessary by the treatment program, but 1794
the use of a device is not required to be in conjunction with a 1795
treatment program approved by the department in order for the 1796
moneys to be used for the device as described in this division. 1797

(4) If a county, juvenile, or municipal court determines, in 1798
consultation with the alcohol and drug addiction services board or 1799
the board of alcohol, drug addiction, and mental health services 1800
established pursuant to section 340.02 or 340.021 of the Revised 1801
Code and serving the alcohol, drug addiction, and mental health 1802
district in which the court is located, that the funds in the 1803

county indigent drivers alcohol treatment fund, the county 1804
juvenile indigent drivers alcohol treatment fund, or the municipal 1805
indigent drivers alcohol treatment fund under the control of the 1806
court are more than sufficient to satisfy the purpose for which 1807
the fund was established, as specified in divisions (H)(1) to (3) 1808
of this section, the court may declare a surplus in the fund. If 1809
the court declares a surplus in the fund, the court may ~~expend~~ 1810
take any of the following actions with regard to the amount of the 1811
surplus in the fund ~~for~~: 1812

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 1813
drug abuse assessment and treatment, and for the cost of 1814
transportation related to assessment and treatment, of persons who 1815
are charged in the court with committing a criminal offense or 1816
with being a delinquent child or juvenile traffic offender and in 1817
relation to whom both of the following apply: 1818

(i) The court determines that substance abuse was a 1819
contributing factor leading to the criminal or delinquent activity 1820
or the juvenile traffic offense with which the person is charged. 1821

(ii) The court determines that the person is unable to pay 1822
the cost of the alcohol and drug abuse assessment and treatment 1823
for which the surplus money will be used. 1824

(b) ~~All~~ Expend any of the surplus amount to pay all or part 1825
of the cost of purchasing alcohol monitoring devices to be used in 1826
conjunction with division (H)(3)(c) of this section, upon 1827
exhaustion of moneys in the indigent drivers interlock and alcohol 1828
monitoring fund for the use of an alcohol monitoring device. 1829

(c) Transfer to another court in the same county any of the 1830
surplus amount to be utilized in a manner consistent with division 1831
(H)(3) of this section. If surplus funds are transferred to 1832
another court, the court that transfers the funds shall notify the 1833
alcohol and drug addiction services board or the board of alcohol, 1834

drug addiction, and mental health services that serves the 1835
alcohol, drug addiction, and mental health service district in 1836
which that court is located. 1837

(d) Transfer to the alcohol and drug addiction services board 1838
or the board of alcohol, drug addiction, and mental health 1839
services that serves the alcohol, drug addiction, and mental 1840
health service district in which the court is located any of the 1841
surplus amount to be utilized in a manner consistent with division 1842
(H)(3) of this section or for board contracted recovery support 1843
services. 1844

~~(5) For the purpose of determining as described in division~~ 1845
~~(F)(2)(c) of this section whether~~ In order to determine if an 1846
offender does not have the means to pay for the offender's 1847
attendance at an alcohol and drug addiction treatment program for 1848
purposes of division (H)(3) of this section or whether if an 1849
alleged offender or delinquent child is unable to pay the costs 1850
specified in division (H)(4) of this section, the court shall use 1851
the indigent client eligibility guidelines and the standards of 1852
indigency established by the state public defender to make the 1853
determination. 1854

(6) The court shall identify and refer any community 1855
addiction services provider that is not certified under section 1856
5119.36 of the Revised Code and that is interested in receiving 1857
amounts from the surplus in the fund declared under division 1858
(H)(4) of this section to the department of mental health and 1859
addiction services in order for the services provider to become a 1860
certified community addiction services provider. The department 1861
shall keep a record of applicant referrals received pursuant to 1862
this division and shall submit a report on the referrals each year 1863
to the general assembly. If a services provider interested in 1864
becoming certified makes an application to become certified 1865
pursuant to section 5119.36 of the Revised Code, the services 1866

provider is eligible to receive surplus funds as long as the 1867
application is pending with the department. The department of 1868
mental health and addiction services must offer technical 1869
assistance to the applicant. If the interested services provider 1870
withdraws the certification application, the department must 1871
notify the court, and the court shall not provide the interested 1872
services provider with any further surplus funds. 1873

(7)(a) Each alcohol and drug addiction services board and 1874
board of alcohol, drug addiction, and mental health services 1875
established pursuant to section 340.02 or 340.021 of the Revised 1876
Code shall submit to the department of mental health and addiction 1877
services an annual report for each indigent drivers alcohol 1878
treatment fund in that board's area. 1879

(b) The report, which shall be submitted not later than sixty 1880
days after the end of the state fiscal year, shall provide the 1881
total payment that was made from the fund, including the number of 1882
indigent consumers that received treatment services and the number 1883
of indigent consumers that received an alcohol monitoring device. 1884
The report shall identify the treatment program and expenditure 1885
for an alcohol monitoring device for which that payment was made. 1886
The report shall include the fiscal year balance of each indigent 1887
drivers alcohol treatment fund located in that board's area. In 1888
the event that a surplus is declared in the fund pursuant to 1889
division (H)(4) of this section, the report also shall provide the 1890
total payment that was made from the surplus moneys and identify 1891
the ~~treatment program and expenditure for an alcohol monitoring~~ 1892
~~device~~ authorized purpose for which that payment was made. 1893

(c) If a board is unable to obtain adequate information to 1894
develop the report to submit to the department for a particular 1895
indigent drivers alcohol treatment fund, the board shall submit a 1896
report detailing the effort made in obtaining the information. 1897

(I)(1) Each county shall establish an indigent drivers 1898

interlock and alcohol monitoring fund and a juvenile indigent 1899
drivers interlock and alcohol treatment fund, ~~and each. Each~~ 1900
municipal corporation in which there is a municipal court shall 1901
establish an indigent drivers interlock and alcohol monitoring 1902
fund. ~~All revenue that the general assembly appropriates to the~~ 1903
~~indigent drivers interlock and alcohol monitoring fund for~~ 1904
~~transfer to a county indigent drivers interlock and alcohol~~ 1905
~~monitoring fund, a county juvenile indigent drivers interlock and~~ 1906
~~alcohol monitoring fund, or a municipal indigent drivers interlock~~ 1907
~~and alcohol monitoring fund, all portions of license reinstatement~~ 1908
~~fees that are paid under division (F)(2) of this section and that~~ 1909
~~are credited under that division to the indigent drivers interlock~~ 1910
~~and alcohol monitoring fund in the state treasury, and all~~ 1911
~~portions of fines that are paid under division (G) of section~~ 1912
~~4511.19 of the Revised Code and that are credited by division~~ 1913
~~(G)(5)(e) of that section to the indigent drivers interlock and~~ 1914
~~alcohol monitoring fund in the state treasury shall be deposited~~ 1915
~~in the appropriate fund in accordance with division (I)(2) of this~~ 1916
~~section.~~ 1917

The treasurer of state shall transfer the following into each 1918
county indigent drivers interlock and alcohol monitoring fund, 1919
county juvenile indigent drivers interlock and alcohol monitoring 1920
fund, or municipal indigent drivers interlock and alcohol 1921
monitoring fund, as applicable: 1922

(a) All revenue the general assembly appropriates to the 1923
indigent drivers interlock and alcohol monitoring fund for 1924
transfer into such a fund; 1925

(b) All portions of license reinstatement fees paid under 1926
division (F)(2) of this section that, in accordance with division 1927
(I)(2) of this section, are credited to the indigent drivers 1928
interlock and alcohol monitoring fund for deposit into a such 1929
fund; 1930

(c) All portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund for deposit into such a fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol

monitoring fund, the county juvenile indigent drivers interlock 1962
and alcohol monitoring fund, or the municipal indigent drivers 1963
interlock and alcohol monitoring fund under the control of that 1964
court are more than sufficient to satisfy the purpose for which 1965
the fund was established as specified in division (F)(2)(h) of 1966
this section, the court may declare a surplus in the fund. The 1967
court then may order the transfer of a specified amount into the 1968
county indigent drivers alcohol treatment fund, the county 1969
juvenile indigent drivers alcohol treatment fund, or the municipal 1970
indigent drivers alcohol treatment fund under the control of that 1971
court to be utilized in accordance with division (H) of this 1972
section. 1973

Sec. 4758.01. As used in this chapter: 1974

(A) "Accredited educational institution" means an educational 1975
institution accredited by an accrediting agency accepted by the 1976
Ohio board of regents. 1977

(B)(1) "Alcohol and other drug clinical counseling 1978
principles, methods, or procedures" means an approach to chemical 1979
dependency counseling that emphasizes the chemical dependency 1980
counselor's role in systematically assisting clients through all 1981
of the following: 1982

(a) Analyzing background and current information; 1983

(b) Exploring possible solutions; 1984

(c) Developing and providing a treatment plan; 1985

(d) In the case of an independent chemical dependency 1986
counselor-clinical supervisor, independent chemical dependency 1987
counselor, or chemical dependency counselor III only, diagnosing 1988
chemical dependency conditions. 1989

(2) "Alcohol and other drug clinical counseling principles, 1990
methods, or procedures" includes counseling, assessing, 1991

consulting, and referral as they relate to chemical dependency 1992
conditions. 1993

(C) "Alcohol and other drug prevention services" means a 1994
planned process of strategies and activities designed to preclude 1995
the onset of the use of alcohol and other drugs, reduce 1996
problematic use of alcohol and other drugs, or both. 1997

(D) "Chemical dependency conditions" means those conditions 1998
relating to the abuse of or dependency on alcohol or other drugs 1999
that are classified in accepted nosologies, including the 2000
diagnostic and statistical manual of mental disorders and the 2001
international classification of diseases, and in editions of those 2002
nosologies published after December 23, 2002. 2003

(E) "Chemical dependency counseling" means rendering or 2004
offering to render to individuals, groups, or the public a 2005
counseling service involving the application of alcohol and other 2006
drug clinical counseling principles, methods, or procedures to 2007
assist individuals who are abusing or dependent on alcohol or 2008
other drugs. 2009

(F) "Pathological and problem gambling" means a persistent 2010
and recurring maladaptive gambling behavior that is classified in 2011
accepted nosologies, including the diagnostic and statistical 2012
manual of mental disorders and the international classification of 2013
diseases, and in editions of those nosologies published after the 2014
effective date of this section. 2015

(G) Unless the context provides otherwise, "scope of 2016
practice" means the services, methods, and techniques in which and 2017
the areas for which a person who holds a license ~~or~~ certificate, 2018
or endorsement under this chapter is trained and qualified. 2019

~~(G)~~(H) "Substance abuse professional" has the same meaning as 2020
in 49 C.F.R. 40.3. 2021

~~(H)~~(I) "U.S. department of transportation drug and alcohol 2022

testing program" means a transportation workplace drug and alcohol 2023
testing program governed by 49 C.F.R. part 40. 2024

Sec. 4758.02. (A) Except as provided in section 4758.03 of 2025
the Revised Code, no person shall do any of the following: 2026

(1) Engage in or represent to the public that the person 2027
engages in chemical dependency counseling for a fee, salary, or 2028
other consideration unless the person holds a valid independent 2029
chemical dependency counselor-clinical supervisor license, 2030
independent chemical dependency counselor license, chemical 2031
dependency counselor III license, chemical dependency counselor II 2032
license, or chemical dependency counselor assistant certificate 2033
issued under this chapter; 2034

(2) Use the title "licensed independent chemical dependency 2035
counselor-clinical supervisor," "LICDC-CS," "licensed independent 2036
chemical dependency counselor," "LICDC," "licensed chemical 2037
dependency counselor III," "LCDC III," "licensed chemical 2038
dependency counselor II," "LCDC II," "chemical dependency 2039
counselor assistant," "CDCA," or any other title or description 2040
incorporating the word "chemical dependency counselor" or any 2041
other initials used to identify persons acting in those capacities 2042
unless currently authorized under this chapter to act in the 2043
capacity indicated by the title or initials; 2044

(3) Represent to the public that the person holds a 2045
pathological and problem gambling endorsement unless the person 2046
holds a valid pathological and problem gambling endorsement issued 2047
under this chapter; 2048

(4) Represent to the public that the person is a registered 2049
applicant unless the person holds a valid registered applicant 2050
certificate issued under this chapter; 2051

~~(4)~~(5) Use the title "certified prevention specialist II," 2052

"CPS II," "certified prevention specialist I," "CPS I," "certified
prevention specialist assistant," "CPSA," "registered applicant,"
"RA," or any other title, description, or initials used to
identify persons acting in those capacities unless currently
authorized under this chapter to act in the capacity indicated by
the title or initials.

(B) No person shall engage in or represent to the public that
the person engages in chemical dependency counseling as a chemical
dependency counselor I.

Sec. 4758.06. No individual who holds or has held a license
~~or~~ certificate, or endorsement issued under this chapter shall
disclose any information regarding the identity, diagnosis, or
treatment of any of the individual's clients or consumers except
for the purposes and under the circumstances expressly authorized
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that
federal law, other federal law enacted after ~~the effective date of~~
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or
regulations promulgated under the replacement federal law. The
prohibition of this section applies whether or not the information
is recorded.

Sec. 4758.16. The chemical dependency professionals board
shall not discriminate against any licensee, certificate holder,
endorsement holder, or applicant for a license ~~or~~ certificate, or
endorsement under this chapter because of the individual's race,
color, religion, gender, national origin, disability as defined in
section 4112.01 of the Revised Code, or age. The board shall
afford a hearing to any individual who files with the board a
statement alleging discrimination based on any of those reasons.

Sec. 4758.20. (A) The chemical dependency professionals board
shall adopt rules to establish, specify, or provide for all of the

following:	2083
(1) Fees for the purposes authorized by section 4758.21 of the Revised Code;	2084 2085
(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;	2086 2087 2088 2089 2090
(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license or , <u>certificate, or endorsement</u> issued under this chapter;	2091 2092 2093 2094
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:	2095 2096
(a) Good moral character requirements for an individual who seeks or holds a license or , <u>certificate, or endorsement</u> issued under this chapter;	2097 2098 2099
(b) The documents that an individual seeking such a license or , <u>certificate, or endorsement</u> must submit to the board;	2100 2101
(c) Requirements to obtain the license or , <u>certificate, or endorsement</u> that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, and 4758.47, <u>and 4758.48</u> of the Revised Code. The additional requirements may include preceptorships.	2102 2103 2104 2105 2106
(d) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.	2107 2108 2109
(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license or , <u>certificate, or endorsement</u>	2110 2111 2112

issued under this chapter;	2113
(6) For the purpose of section 4758.30 of the Revised Code,	2114
the intervention for and treatment of an individual holding a	2115
license or , <u>certificate, or endorsement</u> issued under this chapter	2116
whose abilities to practice are impaired due to abuse of or	2117
dependency on alcohol or other drugs or other physical or mental	2118
condition;	2119
(7) Requirements governing reinstatement of a suspended or	2120
revoked license or , <u>certificate, or endorsement</u> under division (B)	2121
of section 4758.30 of the Revised Code, including requirements for	2122
determining the amount of time an individual must wait to apply	2123
for reinstatement;	2124
(8) For the purpose of section 4758.31 of the Revised Code,	2125
methods of ensuring that all records the board holds pertaining to	2126
an investigation remain confidential during the investigation;	2127
(9) Criteria for employees of the board to follow when	2128
performing their duties under division (B) of section 4758.35 of	2129
the Revised Code;	2130
(10) For the purpose of division (A)(1) of section 4758.39	2131
and division (A)(1) of section 4758.40 of the Revised Code, course	2132
requirements for a degree in a behavioral science or nursing that	2133
shall, at a minimum, include at least forty semester hours in all	2134
of the following courses:	2135
(a) Theories of counseling and psychotherapy;	2136
(b) Counseling procedures;	2137
(c) Group process and techniques;	2138
(d) Relationship therapy;	2139
(e) Research methods and statistics;	2140
(f) Fundamentals of assessment and diagnosis, including	2141
measurement and appraisal;	2142

(g) Psychopathology;	2143
(h) Human development;	2144
(i) Cultural competence in counseling;	2145
(j) Ethics.	2146
(11) For the purpose of division (A)(3) of section 4758.39,	2147
division (A)(3) of section 4758.40, division (A)(3) of section	2148
4758.41, and division (A)(3) of section 4758.42 of the Revised	2149
Code, training requirements for chemical dependency that shall, at	2150
a minimum, include qualifications for the individuals who provide	2151
the training and instruction in all of the following courses:	2152
(a) Theories of addiction;	2153
(b) Counseling procedures and strategies with addicted	2154
populations;	2155
(c) Group process and techniques working with addicted	2156
populations;	2157
(d) Assessment and diagnosis of addiction;	2158
(e) Relationship counseling with addicted populations;	2159
(f) Pharmacology;	2160
(g) Prevention strategies;	2161
(h) Treatment planning;	2162
(i) Legal and ethical issues.	2163
(12) For the purpose of division (B)(2)(b) of section 4758.40	2164
and division (B)(2) of section 4758.41 of the Revised Code,	2165
requirements for the forty clock hours of training on the version	2166
of the diagnostic and statistical manual of mental disorders that	2167
is current at the time of the training, including the number of	2168
the clock hours that must be on substance-related disorders, the	2169
number of the clock hours that must be on chemical dependency	2170
conditions, and the number of the clock hours that must be on	2171

awareness of other mental and emotional disorders;	2172
(13) For the purpose of division (A)(1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;	2173 2174 2175
(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(10) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;	2176 2177 2178 2179 2180 2181 2182
(15) For the purpose of division (A)(2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;	2183 2184 2185
(16) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (D) of section 4758.46 of the Revised Code, requirements for prevention-related education;	2186 2187 2188 2189
(17) For the purpose of division (A)(4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;	2190 2191 2192
(18) For the purpose of division (A)(2) of section 4758.45 of the Revised Code, the field of study in which an individual must obtain at least an associate's degree;	2193 2194 2195
(19) <u>Standards for the one hundred hours of compensated work or supervised internship in pathological and problem gambling direct clinical experience required by division (B)(2) of section 4758.48 of the Revised Code;</u>	2196 2197 2198 2199
(20) For the purpose of section 4758.51 of the Revised Code, continuing education requirements for individuals who hold a	2200 2201

license ~~or~~, certificate, or endorsement issued under this chapter; 2202

~~(20)~~(21) For the purpose of section 4758.51 of the Revised 2203
Code, the number of hours of continuing education that an 2204
individual must complete to have an expired license ~~or~~, 2205
certificate, or endorsement restored under section 4758.26 of the 2206
Revised Code; 2207

~~(21)~~(22) For the purpose of divisions (A) and (B) of section 2208
4758.52 of the Revised Code, training requirements for chemical 2209
dependency counseling; 2210

~~(22)~~(23) The duties, which may differ, of all of the 2211
following: 2212

(a) An independent chemical dependency counselor-clinical 2213
supervisor licensed under this chapter who supervises a chemical 2214
dependency counselor III under section 4758.56 of the Revised 2215
Code; 2216

(b) An independent chemical dependency counselor-clinical 2217
supervisor, independent chemical dependency counselor, or chemical 2218
dependency counselor III licensed under this chapter who 2219
supervises a chemical dependency counselor assistant under section 2220
4758.59 of the Revised Code; 2221

(c) A prevention specialist II or prevention specialist I 2222
certified under this chapter or independent chemical dependency 2223
counselor-clinical supervisor, independent chemical dependency 2224
counselor, or chemical dependency counselor III licensed under 2225
this chapter who supervises a prevention specialist assistant or 2226
registered applicant under section 4758.61 of the Revised Code. 2227

~~(23)~~(24) The duties of an independent chemical dependency 2228
counselor licensed under this chapter who holds the pathological 2229
and problem gambling endorsement who supervises a chemical 2230
dependency counselor III with the pathological and problem 2231
gambling endorsement under section 4758.62 of the Revised Code. 2232

<u>(25)</u> Anything else necessary to administer this chapter.	2233
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	2234 2235 2236
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.	2237 2238 2239 2240 2241
Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:	2242 2243 2244 2245 2246
(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;	2247 2248
(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate;	2249 2250 2251 2252 2253 2254 2255 2256
(3) <u>Issuing an initial pathological and problem gambling endorsement;</u>	2257 2258
<u>(4)</u> Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical	2259 2260 2261 2262

dependency counselor assistant certificate, prevention specialist	2263
II certificate, prevention specialist I certificate, or prevention	2264
specialist assistant certificate;	2265
(4) (5) <u>Renewing a pathological and problem gambling</u>	2266
<u>endorsement;</u>	2267
(6) Approving continuing education courses under section	2268
4758.28 of the Revised Code;	2269
(5) (7) Doing anything else the board determines necessary to	2270
administer this chapter.	2271
(B) The fees established under division (A) of this section	2272
are nonrefundable. They shall be in amounts sufficient to cover	2273
the necessary expenses of the board in administering this chapter	2274
and rules adopted under it. The fees for a license or,	2275
<u>certificate, or endorsement</u> and the renewal of a license or,	2276
<u>certificate, or endorsement</u> may differ for the various types of	2277
licenses and, <u>certificates, or endorsements</u> , but shall not exceed	2278
one hundred seventy-five dollars each, unless the board determines	2279
that amounts in excess of one hundred seventy-five dollars are	2280
needed to cover its necessary expenses in administering this	2281
chapter and rules adopted under it and the amounts in excess of	2282
one hundred seventy-five dollars are approved by the controlling	2283
board.	2284
(C) All vouchers of the board shall be approved by the	2285
chairperson or executive director of the board, or both, as	2286
authorized by the board.	2287
Sec. 4758.23. (A) In rules adopted under section 4758.20 of	2288
the Revised Code, the chemical dependency professionals board	2289
shall establish codes of ethical practice and professional conduct	2290
for the following:	2291
(1) Individuals who hold a valid independent chemical	2292

dependency counselor-clinical supervisor license, independent 2293
chemical dependency counselor license, chemical dependency 2294
counselor III license, chemical dependency counselor II license, 2295
or chemical dependency counselor assistant certificate issued 2296
under this chapter; 2297

(2) Individuals who hold a valid prevention specialist II 2298
certificate, prevention specialist I certificate, prevention 2299
specialist assistant certificate, or registered applicant 2300
certificate issued under this chapter; 2301

(3) Individuals who hold a valid pathological and problem 2302
gambling endorsement. 2303

(B) The codes for individuals identified under division 2304
(A)(1) of this section shall define unprofessional conduct, which 2305
shall include engaging in a dual relationship with a client, 2306
former client, consumer, or former consumer; committing an act of 2307
sexual abuse, misconduct, or exploitation of a client, former 2308
client, consumer, or former consumer; and, except as permitted by 2309
law, violating client or consumer confidentiality. 2310

(C) The codes for individuals identified under division 2311
(A)(1) of this section may be based on any codes of ethical 2312
practice and professional conduct developed by national 2313
associations or other organizations representing the interests of 2314
those involved in chemical dependency counseling. The codes for 2315
individuals identified under division (A)(2) of this section may 2316
be based on any codes of ethical practice and professional conduct 2317
developed by national associations or other organizations 2318
representing the interests of those involved in alcohol and other 2319
drug prevention services. The board may establish standards in the 2320
codes that are more stringent than those established by the 2321
national associations or other organizations. 2322

Sec. 4758.24. (A) The chemical dependency professionals board 2323

shall issue a license ~~or~~, certificate, or endorsement under this 2324
chapter to an individual who meets all of the following 2325
requirements: 2326

(1) Is of good moral character as determined in accordance 2327
with rules adopted under section 4758.20 of the Revised Code; 2328

(2) Except as provided in section 4758.241 of the Revised 2329
Code, submits a properly completed application and all other 2330
documentation specified in rules adopted under section 4758.20 of 2331
the Revised Code; 2332

(3) Except as provided in section 4758.241 of the Revised 2333
Code, pays the fee established under section 4758.21 of the 2334
Revised Code for the license ~~or~~, certificate, or endorsement that 2335
the individual seeks; 2336

(4) Meets the requirements to obtain the license ~~or~~, 2337
certificate, or endorsement that the individual seeks as specified 2338
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 2339
4758.45, 4758.46, ~~or~~ 4758.47, or 4758.48 of the Revised Code; 2340

(5) Meets any additional requirements specified in rules 2341
adopted under section 4758.20 of the Revised Code to obtain the 2342
license ~~or~~, certificate, or endorsement that the individual seeks. 2343

(B) The board shall not do either of the following: 2344

(1) Issue a certificate to practice as a chemical dependency 2345
counselor I; 2346

(2) Issue a new registered applicant certificate to an 2347
individual whose previous registered applicant certificate has 2348
been expired for less than the period of time specified in rules 2349
adopted under section 4758.20 of the Revised Code. 2350

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised 2351
Code, a license ~~or~~, certificate, or endorsement issued under this 2352
chapter expires the following period of time after it is issued: 2353

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months; 2354
2355

(2) In the case of any other license ~~or~~, certificate, or 2356
endorsement, two years. 2357

(B) Subject to section 4758.30 of the Revised Code and except 2358
as provided in section 4758.27 of the Revised Code, the chemical 2359
dependency professionals board shall renew a license ~~or~~, 2360
certificate, or endorsement issued under this chapter in 2361
accordance with the standard renewal procedure established under 2362
Chapter 4745. of the Revised Code if the individual seeking the 2363
renewal pays the renewal fee established under section 4758.21 of 2364
the Revised Code and does the following: 2365

(1) In the case of an individual seeking renewal of an 2366
initial chemical dependency counselor assistant certificate, 2367
satisfies the additional training requirement established under 2368
section 4758.52 of the Revised Code; 2369

(2) In the case of any other individual, satisfies the 2370
continuing education requirements established under section 2371
4758.51 of the Revised Code. 2372

(C) Subject to section 4758.30 of the Revised Code and except 2373
as provided in section 4758.27 of the Revised Code, a license ~~or~~, 2374
certificate, or endorsement issued under this chapter that has 2375
expired may be restored if the individual seeking the restoration, 2376
not later than two years after the license ~~or~~, certificate, or 2377
endorsement expires, applies for restoration of the license ~~or~~, 2378
certificate, or endorsement. The board shall issue a restored 2379
license ~~or~~, certificate, or endorsement to the individual if the 2380
individual pays the renewal fee established under section 4758.21 2381
of the Revised Code and does the following: 2382

(1) In the case of an individual whose initial chemical 2383
dependency counselor assistant certificate expired, satisfies the 2384

additional training requirement established under section 4758.52 2385
of the Revised Code; 2386

(2) In the case of any other individual, satisfies the 2387
continuing education requirements established under section 2388
4758.51 of the Revised Code for restoring the license ~~or~~, 2389
certificate, or endorsement. 2390

The board shall not require an individual to take an 2391
examination as a condition of having an expired license ~~or~~, 2392
certificate, or endorsement restored under this section. 2393

Sec. 4758.28. The chemical dependency professionals board 2394
shall approve, in accordance with rules adopted under section 2395
4758.20 of the Revised Code and subject to payment of the fee 2396
established under section 4758.21 of the Revised Code, continuing 2397
education courses of study for individuals who hold a license ~~or~~, 2398
certificate, or endorsement issued under this chapter. 2399

Sec. 4758.29. On receipt of a notice pursuant to section 2400
3123.43 of the Revised Code, the chemical dependency professionals 2401
board shall comply with sections 3123.41 to 3123.50 of the Revised 2402
Code and any applicable rules adopted under section 3123.63 of the 2403
Revised Code with respect to a license ~~or~~, certificate, or 2404
endorsement issued pursuant to this chapter. 2405

Sec. 4758.30. (A) The chemical dependency professionals 2406
board, in accordance with Chapter 119. of the Revised Code, may 2407
refuse to issue a license ~~or~~, certificate, or endorsement applied 2408
for under this chapter; refuse to renew or restore a license ~~or~~, 2409
certificate, or endorsement issued under this chapter; suspend, 2410
revoke, or otherwise restrict a license ~~or~~, certificate, or 2411
endorsement issued under this chapter; or reprimand an individual 2412
holding a license ~~or~~, certificate, or endorsement issued under 2413
this chapter. These actions may be taken by the board regarding 2414

the applicant for a license ~~or~~, certificate, or endorsement or the 2415
individual holding a license ~~or~~, certificate, or endorsement for 2416
one or more of the following reasons: 2417

(1) Violation of any provision of this chapter or rules 2418
adopted under it; 2419

(2) Knowingly making a false statement on an application for 2420
a license ~~or~~, certificate, or endorsement or for renewal, 2421
restoration, or reinstatement of a license ~~or~~, certificate, or 2422
endorsement; 2423

(3) Acceptance of a commission or rebate for referring an 2424
individual to a person who holds a license or certificate issued 2425
by, or who is registered with, an entity of state government, 2426
including persons practicing chemical dependency counseling, 2427
alcohol and other drug prevention services, pathological and 2428
problem gambling counseling, or fields related to chemical 2429
dependency counseling, pathological and problem gambling 2430
counseling, or alcohol and other drug prevention services; 2431

(4) Conviction in this or any other state of any crime that 2432
is a felony in this state; 2433

(5) Conviction in this or any other state of a misdemeanor 2434
committed in the course of practice as an independent chemical 2435
dependency counselor-clinical supervisor, independent chemical 2436
dependency counselor, chemical dependency counselor III, chemical 2437
dependency counselor II, chemical dependency counselor assistant, 2438
prevention specialist II, pathological and problem gambling 2439
endorsee, prevention specialist I, prevention specialist 2440
assistant, or registered applicant; 2441

(6) Inability to practice as an independent chemical 2442
dependency counselor-clinical supervisor, independent chemical 2443
dependency counselor, chemical dependency counselor III, chemical 2444
dependency counselor II, chemical dependency counselor assistant, 2445

<u>pathological and problem gambling endorsee</u> , prevention specialist	2446
II, prevention specialist I, prevention specialist assistant, or	2447
registered applicant due to abuse of or dependency on alcohol or	2448
other drugs or other physical or mental condition;	2449
(7) Practicing outside the individual's scope of practice;	2450
(8) Practicing without complying with the supervision	2451
requirements specified under section 4758.56, 4758.59, or 4758.61,	2452
<u>or 4758.62</u> of the Revised Code;	2453
(9) Violation of the code of ethical practice and	2454
professional conduct for chemical dependency counseling or ,	2455
alcohol and other drug prevention, <u>or pathological and problem</u>	2456
<u>gambling counseling</u> services adopted by the board pursuant to	2457
section 4758.23 of the Revised Code;	2458
(10) Revocation of a license or , <u>certificate, or endorsement</u>	2459
or voluntary surrender of a license or , <u>certificate, or</u>	2460
<u>endorsement</u> in another state or jurisdiction for an offense that	2461
would be a violation of this chapter.	2462
(B) An individual whose license or , <u>certificate, or</u>	2463
<u>endorsement</u> has been suspended or revoked under this section may	2464
apply to the board for reinstatement after an amount of time the	2465
board shall determine in accordance with rules adopted under	2466
section 4758.20 of the Revised Code. The board may accept or	2467
refuse an application for reinstatement. The board may require an	2468
examination for reinstatement of a license or , <u>certificate, or</u>	2469
<u>endorsement</u> that has been suspended or revoked.	2470
Sec. 4758.31. The chemical dependency professionals board	2471
shall investigate alleged violations of this chapter or the rules	2472
adopted under it and alleged irregularities in the delivery of	2473
chemical dependency counseling services, <u>pathological and problem</u>	2474
<u>gambling counseling services</u> , or alcohol and other drug prevention	2475

services by individuals who hold a license ~~or~~, certificate, or 2476
endorsement issued under this chapter. As part of an 2477
investigation, the board may issue subpoenas, examine witnesses, 2478
and administer oaths. 2479

The board may receive any information necessary to conduct an 2480
investigation under this section that has been obtained in 2481
accordance with federal laws and regulations. If the board is 2482
investigating the provision of chemical dependency counseling 2483
services or pathological and problem gambling counseling services 2484
to a couple or group, it is not necessary for both members of the 2485
couple or all members of the group to consent to the release of 2486
information relevant to the investigation. 2487

The board shall ensure, in accordance with rules adopted 2488
under section 4758.20 of the Revised Code, that all records it 2489
holds pertaining to an investigation remain confidential during 2490
the investigation. After the investigation, the records are public 2491
records except as otherwise provided by federal or state law. 2492

Sec. 4758.35. (A) An individual seeking a license ~~or~~, 2493
certificate, or endorsement issued under this chapter shall file 2494
with the chemical dependency professionals board a written 2495
application on a form prescribed by the board. Each form shall 2496
state that a false statement made on the form is the crime of 2497
falsification under section 2921.13 of the Revised Code. 2498

(B) The board shall require an individual or individuals 2499
employed by the board under section 4758.15 of the Revised Code to 2500
do both of the following in accordance with criteria established 2501
by rules adopted under section 4758.20 of the Revised Code: 2502

(1) Receive and review all applications submitted to the 2503
board; 2504

(2) Submit to the board all applications the individual or 2505

individuals recommend the board review based on the criteria 2506
established in the rules. 2507

(C) The board shall review all applications submitted to the 2508
board pursuant to division (B)(2) of this section. 2509

Sec. 4758.36. As part of the review process under division 2510
(C) of section 4758.35 of the Revised Code of an application 2511
submitted by an applicant who has obtained the applicant's 2512
education, experience in chemical dependency counseling, 2513
pathological and problem gambling, or alcohol and other drug 2514
prevention services, or education and experience outside the 2515
United States, the chemical dependency professionals board shall 2516
determine whether the applicant's command of the English language 2517
and education or experience meet the standards required by this 2518
chapter and rules adopted under it. 2519

Sec. 4758.48. An individual is not eligible for a 2520
pathological and problem gambling endorsement unless the 2521
individual meets the requirements of divisions (A) and (B) of this 2522
section. 2523

(A) The individual is one or more of the following: 2524

(1) An independent chemical dependency counselor, chemical 2525
dependency counselor III, or chemical dependency counselor II 2526
licensed under this chapter; 2527

(2) Authorized to practice medicine and surgery or 2528
osteopathic medicine and surgery under Chapter 4731. of the 2529
Revised Code; 2530

(3) A psychologist licensed under Chapter 4732. of the 2531
Revised Code; 2532

(4) A registered nurse licensed under Chapter 4723. of the 2533
Revised Code; or 2534

(5) A professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code. 2535
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An individual who is a registered nurse or a professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist is ineligible for the endorsement unless the endorsement is consistent with the individual's scope of practice. 2539
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(B) Except as otherwise provided in this division, the individual has completed both of the following: 2545
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(1) A minimum of thirty hours of training in pathological and problem gambling that meets the requirements prescribed in rules adopted under section 4758.20 of the Revised Code; and 2547
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(2) A minimum of one hundred hours of compensated work or supervised internship in pathological and problem gambling direct clinical experience. 2550
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An independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II licensed under this chapter may be issued an initial pathological and problem gambling endorsement without having complied with division (B)(2) of this section, but the independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II shall comply with division (B)(2) of this section before expiration of the initial endorsement. An independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II who fails to comply with this paragraph is not entitled to renewal of the initial endorsement. 2553
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Sec. 4758.50. An individual who holds a license ~~or~~,
certificate, or endorsement issued under this chapter shall post
the license ~~or~~, certificate, or endorsement in a prominent place
at the individual's place of employment.

Sec. 4758.51. (A) Except as provided in division (C) of this
section and in accordance with rules adopted under section 4758.20
of the Revised Code, each individual who holds a license ~~or~~,
certificate, or endorsement issued under this chapter, other than
an initial chemical dependency counselor assistant certificate,
shall complete during the period that the license ~~or~~, certificate,
or endorsement is in effect not less than the following number of
clock hours of continuing education as a condition of receiving a
renewed license ~~or~~, certificate, or endorsement:

(1) In the case of an individual holding a prevention
specialist assistant certificate, twenty;

(2) In the case of an individual holding a pathological and
problem gambling endorsement, six;

(3) In the case of any other individual, forty.

(B) Except as provided in division (C) of this section, an
individual whose license ~~or~~, certificate, or endorsement issued
under this chapter, other than an initial chemical dependency
counselor assistant certificate, has expired shall complete the
number of hours of continuing education specified in rules adopted
under section 4758.20 of the Revised Code as a condition of
receiving a restored license ~~or~~, certificate, or endorsement.

(C) The chemical dependency professionals board may waive the
continuing education requirements established under this section
for individuals who are unable to fulfill them because of military
service, illness, residence outside the United States, or any
other reason the board considers acceptable.

Sec. 4758.60. An individual who holds a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter may engage in the practice of ~~alcohol and other drug~~ prevention services as specified in rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.62. An individual who holds an independent chemical dependency counselor license and a pathological and problem gambling treatment endorsement may do all of the following:

(A) Diagnose and treat pathological and problem gambling conditions;

(B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to pathological and problem gambling;

(C) Supervise pathological and problem gambling treatment counseling; and

(D) Refer individuals with nonpathological and nonproblem gambling conditions to appropriate sources of help.

Sec. 4758.63. An individual who holds a chemical dependency counselor III license and a pathological and problem gambling endorsement may do all of the following:

(A) Treat pathological and problem gambling conditions;

(B) Diagnose pathological and problem gambling conditions under supervision;

(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to

<u>pathological and problem gambling;</u>	2623
<u>(D) Supervise pathological and problem gambling treatment</u>	2624
<u>counseling under supervision; and</u>	2625
<u>(E) Refer individuals having nonpathological and nonproblem</u>	2626
<u>gambling conditions to appropriate sources of help.</u>	2627
<u>The supervision required by divisions (B) and (D) of this</u>	2628
<u>section shall be provided by an independent chemical dependency</u>	2629
<u>counselor licensed under this chapter; an individual authorized to</u>	2630
<u>practice medicine and surgery or osteopathic medicine and surgery</u>	2631
<u>under Chapter 4731. of the Revised Code; a psychologist licensed</u>	2632
<u>under Chapter 4732. of the Revised Code; a registered nurse</u>	2633
<u>licensed under Chapter 4723. of the Revised Code; or a</u>	2634
<u>professional clinical counselor, independent social worker, or</u>	2635
<u>independent marriage and family therapist licensed under Chapter</u>	2636
<u>4757. of the Revised Code. A registered nurse or a professional</u>	2637
<u>clinical counselor, independent social worker, or independent</u>	2638
<u>marriage and family therapist is not qualified to provide</u>	2639
<u>supervision unless the individual holds a pathological and problem</u>	2640
<u>gambling endorsement.</u>	2641
<u>An individual holding a chemical dependency counselor III</u>	2642
<u>license shall not practice as an individual practitioner.</u>	2643
<u>Sec. 4758.64. An individual who holds a chemical dependency</u>	2644
<u>counselor II license and a pathological and problem gambling</u>	2645
<u>endorsement may do all of the following:</u>	2646
<u>(A) Treat pathological and problem gambling conditions;</u>	2647
<u>(B) Perform treatment planning, assessment, crisis</u>	2648
<u>intervention, individual and group counseling, case management,</u>	2649
<u>and educational services insofar as those functions relate to</u>	2650
<u>pathological and problem gambling; and</u>	2651
<u>(C) Refer individuals having nonpathological and nonproblem</u>	2652

gambling conditions to appropriate sources of help. 2653

An individual holding a chemical dependency II license shall 2654

not practice as an individual practitioner. 2655

Sec. 4758.71. Nothing in this chapter or the rules adopted 2656

under it authorizes an individual who holds a license ~~or~~ 2657

certificate, or endorsement issued under this chapter to admit a 2658

patient to a hospital or requires a hospital to allow any such 2659

individual to admit a patient. 2660

Sec. 5119.21. (A) The department of mental health and 2661

addiction services shall: 2662

(1) To the extent the department has available resources and 2663

in consultation with boards of alcohol, drug addiction, and mental 2664

health services, support a full spectrum of care for all levels of 2665

treatment services for opioid and co-occurring drug addiction and 2666

a continuum of care for other services in accordance with Chapter 2667

340. of the Revised Code on a district or multi-district basis. 2668

The department shall define the essential elements of a full 2669

spectrum of care for all levels of treatment services for opioid 2670

and co-occurring drug addiction and a continuum of care for other 2671

services, shall assist in identifying resources, and may 2672

prioritize support for one or more of the elements of the 2673

continuum of care. The essential elements of a full spectrum of 2674

care for all levels of treatment services for opioid and 2675

co-occurring drug addiction shall include the services required by 2676

division (B) of section 340.09 of the Revised Code. 2677

(2) Provide training, consultation, and technical assistance 2678

regarding mental health and addiction services and appropriate 2679

prevention, recovery, and mental health promotion activities, 2680

including those that are culturally competent, to employees of the 2681

department, community mental health and addiction services 2682

providers, boards of alcohol, drug addiction, and mental health 2683
services, and other agencies providing mental health and addiction 2684
services; 2685

(3) To the extent the department has available resources, 2686
promote and support a full range of mental health and addiction 2687
services that are available and accessible to all residents of 2688
this state, especially for severely mentally disabled children, 2689
adolescents, adults, pregnant women, parents, guardians or 2690
custodians of children at risk of abuse or neglect, and other 2691
special target populations, including racial and ethnic 2692
minorities, as determined by the department; 2693

(4) Develop standards and measures for evaluating the 2694
effectiveness of mental health and addiction services, including 2695
services that use methadone treatment, of gambling addiction 2696
services, and for increasing the accountability of mental health 2697
and alcohol and addiction services providers and of gambling 2698
addiction services providers; 2699

(5) Design and set criteria for the determination of priority 2700
populations; 2701

(6) Promote, direct, conduct, and coordinate scientific 2702
research, taking ethnic and racial differences into consideration, 2703
concerning the causes and prevention of mental illness and 2704
addiction, methods of providing effective services and treatment, 2705
and means of enhancing the mental health of and recovery from 2706
addiction of all residents of this state; 2707

(7) Foster the establishment and availability of vocational 2708
rehabilitation services and the creation of employment 2709
opportunities for consumers of mental health and addiction 2710
services, including members of racial and ethnic minorities; 2711

(8) Establish a program to protect and promote the rights of 2712
persons receiving mental health and addiction services, including 2713

the issuance of guidelines on informed consent and other rights; 2714

(9) Promote the involvement of persons who are receiving or 2715
have received mental health or addiction services, including 2716
families and other persons having a close relationship to a person 2717
receiving those services, in the planning, evaluation, delivery, 2718
and operation of mental health and addiction services; 2719

(10) Notify and consult with the relevant constituencies that 2720
may be affected by rules, standards, and guidelines issued by the 2721
department of mental health and addiction services. These 2722
constituencies shall include consumers of mental health and 2723
addiction services and their families, and may include public and 2724
private providers, employee organizations, and others when 2725
appropriate. Whenever the department proposes the adoption, 2726
amendment, or rescission of rules under Chapter 119. of the 2727
Revised Code, the notification and consultation required by this 2728
division shall occur prior to the commencement of proceedings 2729
under Chapter 119. The department shall adopt rules under Chapter 2730
119. of the Revised Code that establish procedures for the 2731
notification and consultation required by this division. 2732

(11) Provide consultation to the department of rehabilitation 2733
and correction concerning the delivery of mental health and 2734
addiction services in state correctional institutions. 2735

(12) Promote and coordinate efforts in the provision of 2736
alcohol and drug addiction services and of gambling addiction 2737
services by other state agencies, as defined in section 1.60 of 2738
the Revised Code; courts; hospitals; clinics; physicians in 2739
private practice; public health authorities; boards of alcohol, 2740
drug addiction, and mental health services; alcohol and drug 2741
addiction services providers; law enforcement agencies; gambling 2742
addiction services providers; and related groups; 2743

(13) Provide to each court of record, and biennially update, 2744

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	2776
services with respect to all mental health and addiction	2777
facilities and services established and operated or provided under	2778
Chapter 340. of the Revised Code, shall do all of the following:	2779
(A) Adopt rules pursuant to Chapter 119. of the Revised Code	2780
that may be necessary to carry out the purposes of this chapter	2781
and Chapters 340. and 5122. of the Revised Code.	2782
(B) Review and evaluate <u>the full spectrum of care for all</u>	2783
<u>levels of treatment services for opioid and co-occurring drug</u>	2784
<u>addiction and the continuum of care for other services</u> in each	2785
service district, taking into account the findings and	2786
recommendations of the board of alcohol, drug addiction, and	2787
mental health services of the district submitted under division	2788
(A)(4) of section 340.03 of the Revised Code and the priorities	2789
and plans of the department <u>of mental health and addiction</u>	2790
<u>services</u> , including the needs of residents of the district	2791
currently receiving services in state-operated hospitals, and make	2792
recommendations for needed improvements to boards of alcohol, drug	2793
addiction, and mental health services;	2794
(C) At the director's discretion, provide to boards of	2795
alcohol, drug addiction, and mental health services state or	2796
federal funds, in addition to those allocated under section	2797
5119.23 of the Revised Code, for special programs or projects the	2798
director considers necessary but for which local funds are not	2799
available;	2800
(D) Establish, in consultation with board of alcohol, drug	2801
addiction, and mental health service representatives and after	2802
consideration of the recommendations of the medical director,	2803
guidelines for the development of community mental health and	2804
addiction services plans and the review and approval or	2805
disapproval of such plans submitted pursuant to section 340.03 of	2806

the Revised Code. 2807

(E) Establish criteria by which a board of alcohol, drug 2808
addiction, and mental health services reviews and evaluates the 2809
quality, effectiveness, and efficiency of its contracted services. 2810
The criteria shall include requirements ensuring appropriate 2811
service utilization. The department shall assess a board's 2812
evaluation of services and the compliance of each board with this 2813
section, Chapter 340. of the Revised Code, and other state or 2814
federal law and regulations. The department, in cooperation with 2815
the board, periodically shall review and evaluate the quality, 2816
effectiveness, and efficiency of services provided through each 2817
board. The department shall collect information that is necessary 2818
to perform these functions. 2819

(F) To the extent the director determines necessary and after 2820
consulting with boards of alcohol, drug addiction, and mental 2821
health services and community addiction and mental health services 2822
providers, develop and operate, or contract for the operation of, 2823
a community behavioral health information system or systems. The 2824
department shall specify the information that must be provided by 2825
boards of alcohol, drug addiction, and mental health services and 2826
by community addiction and mental health services providers for 2827
inclusion in the system or systems. 2828

Boards of alcohol, drug addiction, and mental health services 2829
and community addiction and mental health services providers shall 2830
submit information requested by the department in the form and 2831
manner and in accordance with time frames prescribed by the 2832
department. Information collected by the department may include 2833
all of the following: 2834

(1) Information on services provided; 2835

(2) Financial information regarding expenditures of federal, 2836
state, or local funds; 2837

(3) Information about persons served. 2838

The department shall not collect any personal information 2839
from the boards except as required or permitted by state or 2840
federal law for purposes related to payment, health care 2841
operations, program and service evaluation, reporting activities, 2842
research, system administration, and oversight. 2843

(G)(1) Review each board's community mental health and 2844
addiction services plan, budget, and statement of services to be 2845
~~made available~~ submitted pursuant to sections 340.03 and 340.08 of 2846
the Revised Code and approve or disapprove the plan, the budget, 2847
and the statement of services in whole or in part. 2848

The department may withhold all or part of the funds 2849
allocated to a board if it disapproves all or part of a plan, 2850
budget, or statement of services, except that the department shall 2851
withhold all of the funds allocated to the board if the department 2852
disapproves the budget because the budget does not comply with 2853
division (A)(1) of section 340.08 of the Revised Code. Prior to a 2854
final decision to disapprove a plan, budget, or statement of 2855
services, or to withhold funds from a board, a representative of 2856
the director of mental health and addiction services shall meet 2857
with the board and discuss the reason for the action the 2858
department proposes to take and any corrective action that should 2859
be taken to make the plan, budget, or statement of services 2860
acceptable to the department. In addition, the department shall 2861
offer technical assistance to the board to assist it to make the 2862
plan, budget, or statement of services acceptable. The department 2863
shall give the board a reasonable time in which to revise the 2864
plan, budget, or statement of services. The board thereafter shall 2865
submit a revised plan, budget, or statement of services, or a new 2866
plan, budget, or statement of services. 2867

(2) If a board determines that it is necessary to amend the 2868
plan, budget, or statement of services that has been approved 2869

under this section, the board shall submit the proposed amendment 2870
to the department. The department may approve or disapprove all or 2871
part of the amendment. 2872

(3) If the director disapproves of all or part of any 2873
proposed amendment, the director shall provide the board an 2874
opportunity to present its position. The director shall inform the 2875
board of the reasons for the disapproval and of the criteria that 2876
must be met before the proposed amendment may be approved. The 2877
director shall give the board a reasonable time within which to 2878
meet the criteria and shall offer technical assistance to the 2879
board to help it meet the criteria. 2880

(4) The department shall establish procedures for the review 2881
of plans, budgets, and statements of services, and a timetable for 2882
submission and review of plans, budgets, and statements of 2883
services and for corrective action and submission of new or 2884
revised plans, budgets, and statements of services. 2885

Sec. 5119.23. (A) The department of mental health and 2886
addiction services shall establish a methodology for allocating to 2887
boards of alcohol, drug addiction, and mental health services the 2888
funds appropriated by the general assembly to the department for 2889
the purpose of the full spectrum of care for all levels of 2890
treatment services for opioid and co-occurring drug addiction and 2891
the continuum of care for other services to be provided as 2892
local mental health and addiction services ~~continuum~~ of care. The 2893
department shall establish the methodology after notifying and 2894
consulting with relevant constituencies as required by division 2895
(A)(10) of section 5119.21 of the Revised Code. The methodology 2896
may provide for the funds to be allocated to boards on a district 2897
or multi-district basis. 2898

(B) Subject to section 5119.25 of the Revised Code, and to 2899
required submissions and approvals under section 340.08 of the 2900

Revised Code, the department shall allocate the funds to the 2901
boards in a manner consistent with the methodology, this section, 2902
other state and federal laws, rules, and regulations. 2903

(C) In consultation with boards, community mental health and 2904
addiction services providers, and persons receiving services, the 2905
department shall establish guidelines for the use of funds 2906
allocated and distributed under this section. 2907

Sec. 5119.25. (A) The director of mental health and addiction 2908
services, in whole or in part, may withhold funds otherwise to be 2909
allocated to a board of alcohol, drug addiction, and mental health 2910
services under section 5119.23 of the Revised Code if the board 2911
fails to comply with Chapter 340. or section 5119.22, 5119.24, 2912
5119.36, or 5119.371 of the Revised Code or rules of the 2913
department of mental health and addiction services. However, the 2914
director shall withhold all such funds from the board when 2915
required to do so under division (A)(4) of section 340.08 of the 2916
Revised Code or division (G)(1) of section 5119.22 of the Revised 2917
Code. 2918

(B) The director of mental health and addiction services may 2919
withhold funds otherwise to be allocated to a board of alcohol, 2920
drug addiction, and mental health services under section 5119.23 2921
of the Revised Code if the board denies available service on the 2922
basis of race, color, religion, creed, sex, age, national origin, 2923
disability as defined in section 4112.01 of the Revised Code, or 2924
developmental disability. 2925

(C) The director shall issue a notice identifying the areas 2926
of noncompliance and the action necessary to achieve compliance. 2927
The director may offer technical assistance to the board to 2928
achieve compliance. The board shall have ~~ten~~ thirty days from 2929
receipt of the notice of noncompliance to present its position 2930
that it is in compliance or to submit to the director evidence of 2931

corrective action the board took to achieve compliance. Before 2932
withholding funds, the director or the director's designee shall 2933
hold a hearing within ~~ten~~ thirty days of receipt of the board's 2934
position or evidence to determine if there are continuing 2935
violations and that either assistance is rejected or the board is 2936
unable, or has failed, to achieve compliance. The director may 2937
appoint a representative from another board of alcohol, drug 2938
addiction, and mental health services to serve as a mentor for the 2939
board in developing and executing a plan of corrective action to 2940
achieve compliance. Any such representative shall be from a board 2941
that is in compliance with Chapter 340. of the Revised Code, 2942
sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised 2943
Code, and the department's rules. Subsequent to the hearing 2944
process, if it is determined that compliance has not been 2945
achieved, the director may allocate all or part of the withheld 2946
funds to ~~a public or private agency~~ one or more community mental 2947
health services providers or community addiction services 2948
providers to provide the community mental health or community 2949
addiction service for which the board is not in compliance until 2950
the time that there is compliance. The director ~~may~~ shall adopt 2951
rules in accordance with Chapter 119. of the Revised Code to 2952
implement this section. 2953

Sec. 5119.362. (A) In accordance with rules adopted under 2954
section 5119.363 of the Revised Code, each community addiction 2955
services provider shall do all of the following: 2956

(1) Maintain, in an aggregate form, a waiting list of 2957
individuals to whom all of the following apply: 2958

(a) The individual has been documented as having a clinical 2959
need for alcohol and drug addiction services due to an opioid or 2960
co-occurring drug addiction. 2961

(b) The individual has applied to the provider for a 2962

clinically necessary treatment service included in the full 2963
spectrum of care required by division (B) of section 340.09 of the 2964
Revised Code. 2965

(c) The individual has not begun to receive the clinically 2966
necessary treatment service within five days of the individual's 2967
application for the service because the provider lacks an 2968
available slot for the individual. 2969

(2) Notify an individual included on the provider's waiting 2970
list when the provider has a slot available for the individual 2971
and, if the individual does not contact the provider about the 2972
slot within a period of time specified in the rules, contact the 2973
individual to determine why the individual did not contact the 2974
provider and to assess whether the individual still needs the 2975
treatment service; 2976

(3) Subject to divisions (B) and (C) of this section, report 2977
all of the following information each month to the board of 2978
alcohol, drug addiction, and mental health services that serves 2979
the county or counties in which the provider provides alcohol and 2980
drug addiction services: 2981

(a) An unduplicated count of all individuals who reside in a 2982
county that the board serves and were included on the provider's 2983
waiting list as of the last day of the immediately preceding month 2984
and each type of treatment service for which they were waiting; 2985

(b) The total number of days all such individuals had been on 2986
the provider's waiting list as of the last day of the immediately 2987
preceding month; 2988

(c) The last known types of residential settings in which all 2989
such individuals resided as of the last day of the immediately 2990
preceding month; 2991

(d) The number of all such individuals who did not contact 2992
the provider after receiving, during the immediately preceding 2993

month, the notices under division (A)(2) of this section about the 2994
provider having slots available for the individuals, and the 2995
reasons the contacts were not made; 2996

(e) The number of all such individuals who withdrew, in the 2997
immediately preceding month, their applications for the treatment 2998
services, each type of treatment service for which those 2999
individuals had applied, and the reasons the applications were 3000
withdrawn; 3001

(f) All other information specified in the rules. 3002

(B) If a community addiction services provider provides 3003
alcohol and drug addiction services in more than one county and 3004
those counties are served by different boards of alcohol, drug 3005
addiction, and mental health services, the provider shall provide 3006
separate reports under division (C)(3) of this section to each of 3007
the boards serving the counties in which the provider provides the 3008
services. The report provided to a board shall be specific to the 3009
county or counties the board serves and not include information 3010
for individuals residing in other counties. 3011

(C) Each report that a community addiction services provider 3012
provides to a board of alcohol, drug addiction, and mental health 3013
services under this section shall do all of the following: 3014

(1) Maintain the confidentiality of all individuals for whom 3015
information is included in the report; 3016

(2) For the purpose of the information reported under 3017
division (A)(3)(c) of this section, identify the types of 3018
residential settings at least as either institutional or 3019
noninstitutional; 3020

(3) If the report is provided to a board that serves more 3021
than one county, present the information included in the report in 3022
a manner that is broken down for each of the counties the board 3023
serves. 3024

Sec. 5119.363. The director of mental health and addiction 3025
services shall adopt rules governing the duties of boards of 3026
alcohol, drug addiction, and mental health services under section 3027
340.20 of the Revised Code and the duties of community addiction 3028
services providers under section 5119.362 of the Revised Code. The 3029
rules shall be adopted in accordance with Chapter 119. of the 3030
Revised Code. 3031

Sec. 5119.364. The department of mental health and addiction 3032
services shall make the reports it receives under section 340.20 3033
of the Revised Code from boards of alcohol, drug addiction, and 3034
mental health services available on the department's internet web 3035
site. The information contained in the reports shall be presented 3036
on the web site on both a statewide basis and county-level basis. 3037
The information on the web site shall be updated monthly after the 3038
boards submit new reports to the department. 3039

Sec. 5119.365. (A) The director of mental health and 3040
addiction services shall adopt rules in accordance with Chapter 3041
119. of the Revised Code to do both of the following: 3042

(1) Streamline the intake procedures used by a community 3043
addiction services provider accepting and beginning to serve a new 3044
patient, including procedures regarding intake forms and 3045
questionnaires; 3046

(2) Enable a community addiction services provider to retain 3047
a patient as an active patient even though the patient last 3048
received services from the provider more than thirty days before 3049
resumption of services so that the patient and provider do not 3050
have to repeat the intake procedures. 3051

(B) The rules adopted under this section shall do both of the 3052
following: 3053

(1) Model the intake and resumption of service procedures on such procedures used by primary care physicians; 3054
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(2) Facilitate the exchange of information about patients between community addiction services providers and primary care physicians. 3056
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Sec. 5122.36. If the legal residence of a person suffering from mental illness is in another county of the state, the necessary expense of the person's return is a proper charge against the county of legal residence. If an adjudication and order of hospitalization by the probate court of the county of temporary residence are required, the regular probate court fees and expenses incident to the order of hospitalization under this chapter and any other expense incurred on the person's behalf shall be charged to and paid by the county of the person's legal residence upon the approval and certification of the probate judge of that county. The ordering court shall send to the probate court of the person's county of legal residence a certified transcript of all proceedings had in the ordering court. The receiving court shall enter and record the transcript. The certified transcript is prima facie evidence of the residence of the person. When the residence of the person cannot be established as represented by the ordering court, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. 3059
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Section 2. That existing sections 340.01, 340.02, 340.021, 340.03, 340.08, 340.09, 340.15, 2945.402, 3701.74, 4511.191, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.60, 4758.71, 5119.21, 5119.22, 5119.23, and 5119.25 of the Revised Code are hereby repealed. 3078
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Section 3. (A) Except as provided in divisions (B) and (C) of this section, Sections 1 and 2 of this act take effect two years after the effective date of this act.

(B) The following take effect at the earliest time permitted by law:

(1) The amendment by this act of sections 340.02, 340.021, 2945.402, 3701.74, 4511.191, 4758.01, 4758.02, 4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.60, and 4758.71 of the Revised Code;

(2) The enactment by this act of sections 4758.48, 4758.62, 4758.63, 4758.64, 5119.365, and 5122.36 of the Revised Code.

(C) The amendment by this act to division (A) of section 5119.25 of the Revised Code takes effect two years after the effective date of this section. The amendment by this act to division (C) of that section takes effect at the earliest time permitted by law.

Section 4. That Section 751.10 of Am. Sub. H.B. 59 of the 130th General Assembly be amended to read as follows:

Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM

The Department of Mental Health and Addiction Services, in consultation with the Department of Medicaid, shall administer the Recovery Requires a Community Program to identify individuals residing in nursing facilities who can be successfully moved into a community setting with the aid of community non-Medicaid services.

The Director of Mental Health and Addiction Services and the Medicaid Director shall agree upon an amount representing the savings realized from decreased nursing facility utilization to be

transferred within the biennium from the Department of Medicaid to 3113
the Department of Mental Health and Addiction Services to support 3114
non-Medicaid program costs for individuals moving into community 3115
settings. 3116

~~Of the foregoing appropriation item 651525, Medicaid/Health 3117
Care Services, the Medicaid Director shall transfer the amount 3118
agreed upon representing the savings from the General Revenue Fund 3119
to the Sale of Goods and Services Fund (Fund 1490). The transfer 3120
shall be made using an intrastate transfer voucher. The 3121
transferred cash is hereby appropriated to appropriation item 3122
335609, Community Operating/Planning. 3123~~

The Director of Mental Health and Addiction Services and the 3124
Medicaid Director shall certify the agreed upon amount to the 3125
Director of Budget and Management. Upon receipt of the 3126
certification, the Director of Budget and Management may increase 3127
appropriation item 335504, Community Innovations, up to the amount 3128
of the certification and decrease appropriation item 651525, 3129
Medicaid/Health Care Services, by an equal amount. 3130

Section 5. That existing Section 751.10 of Am. Sub. H.B. 59 3131
of the 130th General Assembly is hereby repealed. 3132

Section 6. That Section 327.83 of Am. Sub. H.B. 59 of the 3133
130th General Assembly is hereby repealed. 3134

Section 7. (A) As used in this section, "recovery housing" 3135
means recovery housing that a board of alcohol, drug addiction, 3136
and mental health services, beginning two years after the 3137
effective date of this section, is to include in the full spectrum 3138
of care for all levels of treatment services for opioid and 3139
co-occurring drug addiction under division (B) of section 340.09 3140
of the Revised Code, as that section is amended by this act. 3141

(B)(1) Except as provided in division (C) of this section, of 3142
the appropriation item 335507, Community Behavioral Health, in Am. 3143
Sub. H.B. 59 of the 130th General Assembly, \$24,850,000 in fiscal 3144
year 2015 shall be used as follows: 3145

(a) To provide six step-down regional crisis stabilization 3146
units, for a total of up to 90 beds, in accordance with a state 3147
allocation formula the Department of Mental Health and Addiction 3148
Services shall create; 3149

(b) To provide state funds to the boards of alcohol, drug 3150
addiction, and mental health services serving Cuyahoga, Franklin, 3151
Hamilton, Lucas, Mahoning, Montgomery, Stark, and Summit counties 3152
for either of the following: 3153

(i) Subject to divisions (D)(1) and (3) of this section, the 3154
capital or leasing costs associated with making up to four hundred 3155
recovery housing beds available in those counties; 3156

(ii) Additional step-down regional crisis stabilization units 3157
that are funded in accordance with the state allocation formula 3158
created under division (B)(1)(a) of this section. 3159

(c) Subject to divisions (D)(2) and (3) of this section, to 3160
provide state funds to the other boards of alcohol, drug 3161
addiction, and mental health services for the capital or leasing 3162
costs associated with making up to four hundred eighty recovery 3163
housing beds available in those counties; 3164

(d) Subject to division (E) of this section, to provide state 3165
funds to boards for the first two years of operating expenses of 3166
recovery housing; 3167

(e) Subject to division (F) of this section, to contract for 3168
a network of recovery housing. 3169

(2) In providing state funds to boards under this section, 3170
the Department shall prioritize funding for counties that have no 3171

recovery housing on the effective date of this section. 3172

(C) On July 1, 2014, or as soon as possible thereafter, the 3173
Department of Medicaid shall calculate the variance between the 3174
actual and projected enrollment of newly eligible individuals 3175
under the Medicaid expansion in fiscal year 2014. The projected 3176
enrollment shall be the number specified in the "Fiscal Impact of 3177
the Affordable Care Act on Medicaid Enrollment and Program Cost" 3178
report produced by Mercer Health and Benefits LLC for the State of 3179
Ohio's Office of Medical Assistance on February 13, 2013. If the 3180
actual enrollment is more than ten per cent less than the 3181
projected enrollment, the Director of Mental Health and Addiction 3182
Services may allocate up to \$24,850,000 of the appropriation item 3183
335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 3184
130th General Assembly to boards of alcohol, drug addiction, and 3185
mental health services to continue programs the boards started in 3186
fiscal year 2014. Any of that amount not so allocated shall be 3187
used in accordance with division (B) of this section. 3188

(D)(1) Funding for the capital or leasing costs of recovery 3189
housing in Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, 3190
Montgomery, Stark, and Summit counties is subject to the 3191
following: 3192

(a) If recovery housing exists in the county on the effective 3193
date of this section, the Department shall pay fifty per cent and 3194
the board serving the county shall pay the other fifty per cent of 3195
the capital or leasing costs of additional recovery housing in the 3196
county. 3197

(b) If no recovery housing exists in the county on the 3198
effective date of this section, the Department shall pay ninety 3199
per cent and the board serving the county shall pay the remaining 3200
ten per cent of the capital or leasing costs of recovery housing 3201
in the county, except that if the board cannot afford to pay ten 3202
per cent, the Department shall pay one hundred per cent of the 3203

capital or leasing costs. 3204

(2) In the case of all other counties, the Department shall 3205
pay ninety per cent and the board serving the county shall pay the 3206
remaining ten per cent of the capital or leasing costs of recovery 3207
housing in the county, except that if the board cannot afford to 3208
pay ten per cent, the Department shall pay one hundred per cent of 3209
the capital or leasing costs. 3210

(3) Each board that receives state funds under division 3211
(B)(1)(b) or (c) of this section and uses the funds for the 3212
capital costs of recovery housing shall, to the greatest extent 3213
possible, give priority to developing new or additional recovery 3214
housing through a grant process under which one or more nonprofit 3215
entities use the grants for the capital costs of developing new or 3216
additional recovery housing in the county or counties that the 3217
board serves. A nonprofit entity that receives such a grant shall 3218
do both of the following to the greatest extent possible: 3219

(a) Develop the new or additional recovery housing by 3220
rehabilitating existing buildings, using materials from existing 3221
buildings that no longer need the materials, or both; 3222

(b) In developing the new or additional recovery housing, use 3223
one or more of the following: 3224

(i) Volunteers; 3225

(ii) Apprentices working under a bona fide apprenticeship 3226
program that is registered with the Ohio Apprenticeship Council 3227
created in section 4139.02 of the Revised Code or with the United 3228
States Department of Labor; 3229

(iii) Individuals who have successfully completed training in 3230
the construction field that is offered by a career-technical 3231
center, joint vocational school district, comprehensive 3232
career-technical center, or compact career-technical center 3233
offering adult training; 3234

(iv) Employees hired through a hiring hall contract or agreement. 3235
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(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 or leasing costs for the recovery housing. 3237
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(F)(1) Through a competitive bidding process, 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: 3242
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(a) An internet-based database of recovery housing available in the state; 3247
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(b) 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; 3249
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(c) Quality standards for recovery housing and a peer-review process that uses the standards to endorse individual recovery housing sites; 3253
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(d) A system that monitors data that can be used to determine outcomes for recovery housing. 3256
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(2) The Department shall not spend a total of more than \$500,000 on the contract entered into under division (F)(1) of this section. 3258
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Section 8. Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$5,078,200 in fiscal year 2015 shall be used to maintain the level of funding for the Substance Abuse Prevention and 3261
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Treatment Block Grant. 3265

Section 9. Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$5,000,000 in fiscal year 2015 shall be used to expand prevention-based resources statewide. 3266
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Section 10. Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$3.75 million in fiscal year 2015 shall be used to expand the Residential State Supplement Program. 3270
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Section 11. (A) On July 1, 2014, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$8,821,800 in General Revenue Fund appropriations in fiscal year 2015 from appropriation item 335507, Community Behavioral Health, used by the Department of Mental Health and Addiction Services, to appropriation item 501502, Specialty Docket Staff Payroll Costs, used by the Department of Rehabilitation and Correction. 3274
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(B) 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 (C) of this section. Specialized docket staff members employed under this section shall be considered employees of the court. 3281
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(C) To be eligible: 3293

(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

(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.

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

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

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

(2) \$78,000.

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

under this section. 3325

(G) For a specialized docket staff member employed by a court 3326
in this section, the amount of state funding available under this 3327
section shall be sixty-five per cent of the payroll costs 3328
specified in division (E) of this section. This state funding 3329
shall not exceed \$50,700. 3330

(H) The Department of Rehabilitation and Correction shall 3331
disburse this state funding in quarterly installments to the 3332
appropriate county or municipality in which the court is located. 3333

(I) Of the foregoing appropriation item 501502, Specialty 3334
Docket Staff Payroll Costs, the Department of Rehabilitation and 3335
Correction shall use up to one per cent of the appropriation in 3336
fiscal year 2015 to pay the costs it incurs in administering the 3337
duties and responsibilities established in this section. 3338

(J) The Department of Rehabilitation and Correction may adopt 3339
rules, guidelines, and procedures as necessary to carry out the 3340
purposes of this section. 3341

Section 12. (A) As used in this section: 3342

"Returning offender" means an individual who is released from 3343
confinement in a state correctional facility to live in the 3344
community on or after the effective date of this section. 3345

"State correctional facility" has the same meaning as in 3346
section 2967.01 of the Revised Code. 3347

(B) Subject to division (C) of this section, the boards of 3348
alcohol, drug addiction, and mental health services serving 3349
Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties 3350
shall prioritize the use of funds made available to the boards by 3351
the Department of Mental Health and Addiction Services under Am. 3352
Sub. H.B. 59 of the 130th General Assembly to temporarily assist 3353
returning offenders who have severe mental illnesses, severe 3354

substance use disorders, or both, and reside in the alcohol, drug 3355
addiction, and mental health service districts the boards serve, 3356
obtain Medicaid-covered community mental health services, 3357
Medicaid-covered community drug addiction services, or both. A 3358
board shall provide the temporary assistance to such a returning 3359
offender regardless of whether the returning offender resided in 3360
the district the board serves before being confined in a state 3361
correctional facility. Such a returning offender's priority for 3362
the temporary assistance shall end on the earlier of the 3363
following: 3364

(1) The date that the offender is enrolled in the Medicaid 3365
program or, if applicable, the date that the suspension of the 3366
offender's Medicaid eligibility ends pursuant to section 5163.45 3367
of the Revised Code; 3368

(2) Sixty days after the offender is released from 3369
confinement in a state correctional facility. 3370

(C) The assistance provided to returning offenders under this 3371
section shall not receive priority over community addiction 3372
services that are prioritized under section 340.15 of the Revised 3373
Code or the program for pregnant women with drug addictions 3374
developed under section 5119.17 of the Revised Code. 3375

Section 13. The Director of Mental Health and Addiction 3376
Services shall designate an employee who is certified as a 3377
prevention specialist by the Chemical Dependency Professionals 3378
Board to serve as coordinator for the Start Talking! Initiative 3379
and to assist with statewide efforts to prevent substance abuse 3380
among children. 3381