

TO: House Enrolling Clerk
FROM: Nancy Roberts, LRTS, Legislative Service Commission
DATE: August 15, 2013

CODIFICATION NUMBER CHANGE NOTIFICATION

**H.B. 59 of the 130th G.A. contains an LSC
section number change endorsement.**

In accordance with section 103.131 of the Revised Code, the Director of the Legislative Service Commission has exercised his authority as the codifier of the laws of this state.

The following pages contain number changes and are being sent IN ADDITION to the signature pages for this act:

10, 14, 15, 26, 28, 327, 910, 911, 1587, 1588, 2205, 2228, 2234, 2239, 2250, 2253, 2255, back title pages

CR

(130th General Assembly)
(Amended Substitute House Bill Number 59)

AN ACT

To amend sections 9.03, 9.15, 9.231, 9.239, 9.24, 9.833, 9.90, 9.901, 101.39, 101.391, 102.02, 103.144, 103.63, 107.033, 107.12, 109.06, 109.36, 109.57, 109.572, 109.71, 109.746, 109.77, 109.85, 109.86, 109.90, 109.91, 111.02, 111.15, 111.28, 113.02, 113.061, 117.03, 117.10, 117.20, 119.01, 120.06, 121.02, 121.03, 121.22, 121.35, 121.37, 121.372, 122.075, 122.083, 122.17, 122.171, 122.175, 122.28, 122.30, 122.31, 122.32, 122.33, 122.34, 122.35, 122.36, 122.58, 122.657, 122.658, 122.66, 122.67, 122.68, 122.69, 122.70, 122.701, 122.76, 122.861, 123.01, 123.10, 123.11, 123.201, 123.21, 123.27, 124.11, 124.14, 124.18, 124.30, 124.341, 124.381, 124.57, 124.84, 125.05, 125.21, 125.212, 125.28, 125.602, 125.603, 125.832, 125.836, 126.07, 126.14, 126.32, 126.35, 126.45, 126.46, 126.47, 126.48, 127.14, 127.16, 131.51, 133.01, 133.06, 135.22, 135.61, 135.71, 135.80, 135.81, 135.85, 140.01, 140.03, 140.05, 145.01, 145.012, 145.037, 145.038, 145.22, 149.01, 149.12, 149.311, 149.43, 149.431, 149.54, 151.11, 152.09, 153.692, 154.01, 154.17, 154.20, 154.22, 154.23, 154.25, 156.02, 156.03, 156.04, 156.05, 166.02, 166.03, 166.04, 166.08, 166.25, 167.03, 169.02, 169.05, 169.07, 169.08, 171.05, 173.03, 173.14, 173.17, 173.19, 173.20, 173.21, 173.23, 173.25, 173.26, 173.27, 173.28, 173.39, 173.391, 173.392, 173.394, 173.40, 173.401, 173.402, 173.403, 173.404, 173.42, 173.43, 173.431, 173.432, 173.434, 173.45, 173.47, 173.48, 173.50, 173.501, 173.99, 183.16, 183.33, 187.10, 191.01, 191.02, 191.04,

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 (128.60), 5507.63 (128.63), and 5507.99 (128.99); to
 enact new sections 3313.481, 3317.014, 3317.02,
 3317.022, 3317.0217, 3317.051, 3317.16, 3326.39,
 3345.81, and 3737.883, and sections 1.611, 103.0521,
 109.921, 121.483, 122.681, 123.19, 125.27, 125.833,
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 to 353.16, 511.261, 517.271, 721.29, 743.50, 903.30, JRK
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 3310.035, 3313.5311, 3313.5312, 3313.6018, 3313.6019,

The above boxed and Initialed text was
disapproved.

Date: 6-30-13

John R. Kasich, Governor

5119.391

3793.051 (5119.161), 3793.10 (5119.38), 3793.11 (~~5119.39~~), 3793.12 (5119.61), 3793.13 (5119.27), 3793.14 (5119.26), 3793.15 (5119.17), 3793.16 (5119.188), 3793.18 (5119.30), 3793.22 (5119.49), 3793.31 (5119.90), 3793.32 (5119.91), 3793.33 (5119.92), 3793.34 (5119.93), 3793.35 (5119.94), 3793.36 (5119.95), 3793.37 (5119.96), 3793.38 (5119.97), 3793.39 (5119.98), 5101.271 (5160.45), 5101.31 (5164.756), 5101.50 (5161.05), 5101.501 (5161.06), 5101.502 (5161.02), 5101.51 (5161.10), 5101.511 (5161.11), 5101.5110 (5161.35), 5101.512 (5161.12), 5101.513 (5161.30), 5101.516 (5161.22), 5101.517 (5161.24), 5101.519 (5161.27), 5101.52 (5161.15), 5101.521 (5161.16), 5101.522 (5161.17), 5101.524 (5161.20), 5101.527 (5161.25), 5101.571 (5160.35), 5101.572 (5160.39), 5101.573 (5160.40), 5101.574 (5160.41), 5101.575 (5160.42), 5101.58 (5160.37), 5101.59 (5160.38), 5101.591 (5160.43), 5111.01 (5162.03), 5111.011 (5163.02), 5111.013 (5163.40), 5111.016 (5164.26), 5111.018 (5164.07), 5111.0112 (5162.20), 5111.0114 (5164.754), 5111.0116 (5163.30), 5111.0117 (5163.31), 5111.0118 (5163.32), 5111.0119 (5163.45), 5111.0124 (5163.10), 5111.0125 (5163.101), 5111.02 (5164.02), 5111.021 (5164.70), 5111.022 (5164.56), 5111.023 (5164.15), 5111.024 (5164.08), 5111.025 (5164.76), 5111.027 (5164.20), 5111.028 (5164.32), 5111.029 (5164.06), 5111.0210 (5164.92), 5111.0211 (5165.48), 5111.0212 (5164.80), 5111.0213 (5164.77), 5111.0214 (5164.82), 5111.0215 (5164.93), 5111.03 (5164.35), 5111.031 (5164.37), 5111.032 (5164.34), 5111.033 (5164.342), 5111.034 (5164.341), 5111.035 (5164.36), 5111.04 (5164.05), 5111.042 (5164.25), 5111.05 (5164.45), 5111.051 (5164.48), 5111.052 (5164.46), 5111.053 (5164.301), 5111.054 (5164.47), 5111.06 (5164.38), 5111.061 (5164.57), 5111.062 (5164.39), 5111.063 (5164.31), 5111.07 (5164.752), 5111.071 (5164.753), 5111.08 (5164.759), 5111.081 (5164.755), 5111.082 (5164.751), 5111.083 (5164.757), 5111.084 (5164.7510), 5111.085 (5164.758), 5111.086 (5164.75), 5111.09 (5162.13), 5111.091 (5162.131), 5111.092 (5162.132), 5111.10 (5162.10), 5111.101 (5162.15), 5111.102 (5162.04), 5111.11 (5162.21), 5111.111 (5162.211), 5111.112 (5162.212), 5111.113 (5162.22), 5111.114 (5163.33), 5111.12 (5162.23), 5111.121 (5162.24), 5111.13 (5164.85), 5111.14 (5164.88), 5111.141 (5164.89), 5111.15 (5163.20), 5111.151 (5163.21), 5111.16 (5167.03), 5111.161 (5167.031), 5111.162 (5167.20), 5111.163 (5167.201), 5111.17 (5167.10), 5111.171 (5167.31), 5111.172 (5167.12), 5111.173 (5167.40), 5111.174 (5167.41), 5111.175 (5167.26), 5111.177 (5167.11), 5111.178 (5167.25), 5111.179 (5167.13), 5111.1710 (5167.14), 5111.1711 (5167.30), 5111.18 (5164.86), 5111.181 (5163.22), 5111.19 (5164.74),

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 (5119.25), 5119.63 (5119.42), 5119.631 (5119.421), 5119.69 (5119.41),

(H) "Obligations" means bonds, notes, or other evidences of indebtedness or obligation, including interest coupons pertaining thereto, issued or issuable by a public hospital agency to pay costs of hospital facilities.

(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.

(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.

(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.

(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:

(1) A hospital required to be certified by section 3727.02 of the Revised Code;

(2) A nursing home or residential care facility;

(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;

(4) A residential facility licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) A residential facility licensed by the department of ~~mental health~~ mental health and addiction services under section ~~5119.22~~ 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;

5119.391 (6) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code;

(7) A facility certified as an ~~alcohol and drug~~ community addiction program services provider under section ~~3793.06~~ 5119.36 of the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of

addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may impose upon the offender an additional fine specified for the offense in division (B)(4) of section 2929.18 of the Revised Code. A fine imposed under division (H)(1) of this section is not subject to division (F) of this section and shall be used solely for the support of one or more eligible ~~alcohol and drug~~ community addiction programs services provider in accordance with divisions (H)(2) and (3) of this section.

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible ~~alcohol and drug~~ community addiction programs services provider for the support of which the fine money is to be used. No ~~alcohol and drug~~ community addiction program services provider shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the program services provider is specified in the judgment that imposes the fine. No ~~alcohol and drug~~ community addiction program services provider shall be specified in the judgment unless the program services provider is an eligible ~~alcohol and drug~~ community addiction program services provider and, except as otherwise provided in division (H)(2) of this section, unless the program services provider is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible ~~alcohol and drug~~ community addiction program services provider is located in any of those counties, the judgment may specify an eligible ~~alcohol and drug~~ community addiction program services provider that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible ~~alcohol and drug~~ community addiction program services provider specified pursuant to division (H)(2) of this section in the judgment. The eligible ~~alcohol and drug~~ community addiction program services provider that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification under section ~~3793.06~~ 5119.36 of the Revised Code or in the application for a license under section ~~3793.11~~ 5119.39 of the Revised Code filed with the department of ~~alcohol and drug~~ addiction services mental health and addiction services by the ~~alcohol and drug~~

community addiction program services provider specified in the judgment.

(4) Each ~~alcohol and drug~~ community addiction program services provider that receives in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the program services provider is located, with the court of common pleas and the board of county commissioners of each county from which the program services provider received the moneys if that county is different from the county in which the program services provider is located, and with the attorney general. The ~~alcohol and drug~~ community addiction program services provider shall file the report no later than the first day of March in the calendar year following the calendar year in which the program services provider received the fine moneys. The report shall include statistics on the number of persons served by the ~~alcohol and drug~~ community addiction program services provider, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the ~~alcohol and drug~~ community addiction program services provider. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(5) As used in divisions (H)(1) to (5) of this section:

(a) "~~Alcohol and drug~~ Community addiction program services provider" and "alcohol and drug addiction services" have the same meanings as in section ~~3793.04~~ 5119.01 of the Revised Code.

(b) "~~Eligible alcohol and drug~~ community addiction program services provider" means ~~an alcohol and drug~~ a community addiction program services provider that is certified under section ~~3793.06~~ 5119.36 of the Revised Code or licensed under section ~~3793.14~~ 5119.39 of the Revised Code by the department of ~~alcohol and drug addiction services~~ mental health and addiction services.

5119.391

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH)(2)(a), (b), or (c) of section

5119.391 continuing maintenance of their dependence through the administration of methadone in accordance with the rules adopted by the department of ~~alcohol and drug addiction services~~ mental health and addiction services under section ~~3793.11~~ 5119.39 of the Revised Code, when all of the following apply:

(A) The likelihood that any person undergoing maintenance treatment will be cured of dependence on narcotic drugs is remote, the treatment is prescribed for the purpose of alleviating or controlling the patient's drug dependence, and the patient's prognosis while undergoing treatment is at least a partial improvement in the patient's asocial or antisocial behavior patterns;

(B) In the case of an inpatient in a hospital or clinic, the amount of the maintenance drug dispensed at any one time does not exceed the quantity necessary for a single dose, and the dose is administered to the patient immediately;

5119.391 (C) In the case of an outpatient, the amount of the maintenance drug dispensed at any one time shall be determined by the patient's treatment provider taking into account the patient's progress in the treatment program and the patient's needs for gainful employment, education, and responsible homemaking, except that in no event shall the dosage be greater than the amount permitted by federal law and rules adopted by the department pursuant to section ~~3793.11~~ 5119.39 of the Revised Code;

(D) The drug is not dispensed in any case to replace or supplement any part of a supply of the drug previously dispensed, or when there is reasonable cause to believe it will be used or disposed of unlawfully;

5119.391 (E) The drug is dispensed through a program licensed and operated in accordance with section ~~3793.11~~ 5119.39 of the Revised Code.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907. of the Revised Code.

(b) "Home" also means both of the following:

(i) Any facility that a person, as defined in section 3702.51 of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate

of need, other than a certificate to recategorize hospital beds as described in section 3702.521 of the Revised Code or division (R)(7)(d) of the version of section 3702.51 of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;

(ii) A county home or district home that is or has been licensed as a residential care facility.

(c) "Home" does not mean any of the following:

(i) Except as provided in division (A)(1)(b) of this section, a public hospital or hospital as defined in section 3701.01 or 5122.01 of the Revised Code;

(ii) A residential facility as defined in section ~~5119.22~~ 5119.34 of the Revised Code;

(iii) A residential facility as defined in section 5123.19 of the Revised Code;

(iv) ~~An alcohol or drug~~ A community addiction program services provider as defined in section ~~3793.01~~ 5119.01 of the Revised Code;

5119.391 (v) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code;

(vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

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

(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;

(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program ~~established under Title XVIII of the "Social Security Act"~~ or the medical assistance medicaid program ~~established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act,"~~ if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

(x) A county home or district home that has never been licensed as a residential care facility.

(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent,

employment, of a special police officer under division (C)(2) of this section shall be in accordance with ~~Chapter 119. of the Revised Code~~ applicable collective bargaining agreements.

5119.091

~~Sec. 5119.30~~ 5119.09/ The attorney general shall attend to all suits claims instituted on behalf of or against the department of mental health and addiction services or any institution under the jurisdiction of the department ~~of mental health~~ and the managing officer thereof, except such institutions as are privately owned or operated under a license from the department of ~~mental health~~ mental health and addiction services, and shall represent the public hospital in proceedings under section 5122.15 of the Revised Code. The department of ~~mental health~~ mental health and addiction services shall reimburse the attorney general for the compensation of assistant attorneys general required to represent the public hospital in proceedings under section 5122.15 of the Revised code and shall also pay the costs of litigation incurred by the attorney general under that section.

If a writ of habeas corpus is applied for, the clerk of the court shall give notice of the time and place of hearing to the attorney general.

~~Sec. 5119.01~~ 5119.10. (A) The director of ~~mental health~~ mental health and addiction services is the chief executive and ~~administrative officer~~ appointing authority of the department of ~~mental health~~ mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section ~~5119.07~~ 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and mental health services plans, and certification and delivery of mental health and addiction services.

(B) The director shall:

(A)(1) Adopt rules for the proper execution of the powers and duties of the department with respect to the institutions under its control, and require the performance of additional duties by the officers of the institutions as necessary to fully meet the requirements, intents, and purposes of this

- (1) Continuous quality improvement;
- (2) Utilization review;
- (3) Resource development;
- (4) Fiscal administration;
- (5) General administration;
- (6) Any other function related to administration that is required by Chapter 340. of the Revised Code.

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental health~~ mental health and addiction services specifying how the board used funds allocated to the board under section ~~5119.62~~ 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental health~~ mental health and addiction services shall establish the date by which the report must be submitted each year.

5119.371 Sec. ~~5119.622~~ 5119.25. (A) The director of ~~mental health~~ 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 section ~~5119.62~~ 5119.23 of the Revised Code if the board fails to comply with Chapter 340. or section ~~5119.61, 5119.611, 5119.612, or 5119.624~~ 5119.22, 5119.24, 5119.36, or 5119.37 of the Revised Code or rules of the department of ~~mental health regarding a community mental health service~~ mental health and addiction services. The

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

(C) The director shall ~~identify~~ issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director ~~shall may~~ offer technical assistance to the board to achieve compliance. The director ~~shall give the board a reasonable time within which to comply or~~ shall have ten days from receipt of the notice of noncompliance to present its position that it is in compliance. Before withholding funds, the director or the director's designee shall hold a hearing ~~shall be conducted~~ within ten days of receipt of the board's position to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to a public or private agency to provide the

~~services~~ mental health and addiction services promptly shall develop and maintain a program that continually provides the courts of this state with relevant information pertaining to ~~alcohol and drug~~ addiction services and programs available both within their jurisdictions and statewide in order to facilitate the ability of the courts to utilize treatment and rehabilitation alternatives in addition to or in lieu of imposing sentences of imprisonment upon appropriate offenders.

5119.311

Sec. ~~5119.23~~ 5119.31. The department of mental health mental health and addiction services may examine into, with or without expert assistance, the question of the mental and physical condition of any person committed to or involuntarily confined in any hospital for the mentally ill, or restrained of his liberty at any place within this state by reason of alleged mental illness and may order and compel the discharge of any such person who is not a mentally ill person subject to hospitalization by court order as defined in division (B) of section 5122.01 of the Revised Code and direct what disposition shall be made of ~~him~~ the person. The order of discharge shall be signed by the director of ~~mental health~~ mental health and addiction services. Upon receipt of such order by the superintendent or other person in charge of the building in which the person named in such order is confined, such person shall forthwith be discharged or otherwise disposed of according to the terms of said order, and any further or other detention of such person is unlawful. No such order shall be made in favor of any person committed and held for trial on a criminal charge, in confinement by an order of a judge or court made in a criminal proceeding, or in any case unless notice is given to the superintendent or other person having charge of the building in which the alleged mentally ill person is detained, and a reasonable opportunity is allowed the person in charge to justify further detention of the person confined.

Sec. ~~5119.60~~ 5119.32. The department of ~~mental health~~ mental health and addiction services is hereby designated as the state administrative agency for the ~~alcohol, drug abuse and mental health services~~ substance abuse prevention treatment block grant and the community mental health services block grant authorized by the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, drug abuse, or mental health programs that are specified in an appropriations act. The department shall establish and administer an annual plan to utilize federal block grant funds. The department shall consult with the department of ~~alcohol and drug addiction services~~ on the allocation of funds for alcohol and drug addiction services pursuant to Chapter 3793. of the Revised Code and shall notify the controlling board, which shall authorize the transfer of

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

~~(g) An alcohol~~ (f) Alcohol or drug addiction program as defined in services certified pursuant to section 3793.01 5119.36 of the Revised Code;

5119.391 ~~(h)(g)~~ A facility licensed to provide methadone treatment under section 3793.11 5119.39 of the Revised Code;

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

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

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

(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(12) "Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social Security Act. Residential state supplement payments are used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients the department of mental health and addition services determines are at risk of needing institutional care.

(13) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

~~(13)~~(14) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece,

(f) Generally do such acts respecting the residential facility as the court authorizes.

Notwithstanding any other provision of law, contracts which are necessary to carry out the powers and duties of the receiver need not be competitively bid.

Sec. ~~5119.611~~ 5119.36. (A) A community mental health ~~agency services provider applicant or community addiction services provider applicant~~ that seeks certification of its community mental health services ~~or community addiction services~~ shall submit an application to the director of ~~mental health mental health and addiction services~~. On receipt of the application, the director may ~~visit~~ conduct an on-site review and shall evaluate the ~~agency provider~~ to determine whether its services satisfy the standards established by rules adopted under division ~~(C)~~ (E) of this section. The director shall make the evaluation, and, if the director ~~visits~~ conducts an on-site review of the agency provider, shall ~~may~~ make the ~~visit review~~, in cooperation with the board of alcohol, drug addiction, and mental health services with which the ~~agency provider~~ seeks to contract under division (A)(8)(a) of section 340.03 of the Revised Code.

5119.371

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, the director shall determine whether the services of an ~~applicant's community mental health agency applicant~~ satisfy the standards for certification of the services. If the director determines that a community mental health ~~agency's services provider's or a community addiction services provider's services~~ satisfy the standards for certification and the ~~agency provider~~ has paid the fee required under division (D) of this section, the director shall certify the services. No community mental health services provider or community addiction services provider shall be eligible to receive state or federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services unless its services have been certified by the department.

(C) If the director determines that a community mental health ~~agency's services provider's or a community addiction services provider's services~~ do not satisfy the standards for certification, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the provider and to the board of alcohol, drug addiction, and mental health services so that the board may assist the agency provider in satisfying the standards. The director shall give the ~~agency provider~~ a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the board reallocate the

addiction, and mental health services ensure that each community mental health ~~agency services provider and community addiction services provider~~ with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health or addiction services establish grievance procedures consistent with rules adopted under section ~~5119.611~~ 5119.36 of the Revised Code that are available to all ~~applicants for and clients of the persons seeking or receiving services from a~~ community mental health or addiction services provider.

5119.371

Sec. ~~5119.612~~ 5119.371 (A) In lieu of a determination by the director of ~~mental health~~ mental health and addiction services of whether the services of a community mental health ~~agency services provider or a community addiction services provider~~ satisfy the standards for certification under section ~~5119.611~~ 5119.36 of the Revised Code, the director shall accept appropriate accreditation of an applicant's mental health services, alcohol and drug addiction services, integrated mental health and alcohol and other drug addiction services, ~~or integrated mental health and physical health services, or integrated alcohol and other drug addiction and physical health services~~ being provided in this state from any of the following national accrediting organizations as evidence that the applicant satisfies the standards for certification:

- (1) The joint commission;
- (2) The commission on accreditation of rehabilitation facilities;
- (3) The council on accreditation;
- (4) Other behavioral health accreditation as determined by the director.

(B) If the director determines that an applicant's accreditation is current, is appropriate for the services for which the applicant is seeking certification, and the applicant meets any other requirements established under this section or in rules adopted under this section, the director shall certify the applicant's services that are accredited. Except as provided in division (C)(2) of this section, the director shall issue the certification without further evaluation of the services.

(C) For purposes of this section, all of the following apply:

(1) The director may review the accrediting organizations listed in division (A) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol or other drug addiction services, physical health services, or both. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.

(2) The director may ~~visit~~ conduct an on-site review or otherwise

by the director of ~~alcohol and drug addiction services~~ mental health and addiction services pursuant to this section. No drivers' intervention program shall be used as an alternative to a term of imprisonment that is imposed pursuant to division (G)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code.

To qualify for certification by the director and to receive funds from the statewide treatment and prevention fund created by section 4301.30 of the Revised Code in any amounts and at any times that the director determines are appropriate, a drivers' intervention program shall meet state minimum standards that the director shall establish by rule. The rules shall include, but are not limited to, standards governing program course hours and content, qualifications of program personnel, methods of identifying and testing participants to isolate participants with alcohol and drug abuse problems, referral of such persons to ~~alcohol and drug~~ community addiction programs services providers, the prompt notification of courts by program operators of the completion of the programs by persons required by courts to attend them, and record keeping, including methods of tracking participants for a reasonable time after they have left the program.

The director shall issue a certificate to any qualified drivers' intervention program. The certificate is valid for three years.

5119.391 — ~~Sec. 3793.11~~ 5119.39. (A) No ~~alcohol and drug~~ community addiction program services provider shall employ methadone treatment or prescribe, dispense, or administer methadone unless the program is licensed under this section. No ~~alcohol and drug~~ community addiction program services provider licensed under this section shall maintain methadone treatment in a manner inconsistent with this section and the rules adopted under it.

(B) ~~An alcohol and drug~~ A community addiction program services provider may apply to the department of ~~alcohol and drug addiction services~~ mental health and addiction services for a license to maintain methadone treatment. The department shall review all applications received.

(C) The department may issue a license to maintain methadone treatment to ~~an alcohol and drug~~ community addiction program services provider only if all of the following apply:

(1) The ~~program~~ provider is operated by a private, nonprofit organization or by a government entity;

(2) For at least two years immediately preceding the date of application, the ~~program~~ provider has been fully certified under section ~~3793.06~~ 5119.36 of the Revised Code;

(3) The ~~program~~ provider has not been denied a license to maintain methadone treatment or had its license withdrawn or revoked within the

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code. *

Marks C. Flanders

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 30th day of June, A. D. 2013.

Joe Huster

Secretary of State.

File No. 25

Effective Date Some sections take immediate effect on June 30, 2013; some provisions take effect on September 29, 2013; and, some provisions take effect on specific dates provided in the bill.

*This certification has required my designation of the following in the left-hand margin as proper code section numbers:

5119.091, 5119.311, 5119.371, 5119.391

Marks C. Flanders

Director, Legislative Service Commission

5101.183, 5101.184, 5101.26, 5101.271, 5101.272,
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5910.07, 5919.34, 5924.502, 5924.503, 5924.504,
5924.506, 6109.21, and 6111.037, to amend, for the
purpose of adopting new section numbers as
indicated in parentheses, sections 173.394 (173.38),
173.40 (173.52), 173.401 (173.521), 173.402
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3317.014, 3317.02, 3317.022, 3317.0217, 3317.051,
3317.16, 3326.39, 3345.81, and 3737.883, and
sections 1.611, 103.0521, 109.921, 121.483, 122.681,
123.19, 125.27, 125.833, 126.211, 128.45, 128.461,
128.462, 128.47, 149.307, 173.51, 173.522, 173.523,
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