

As Reported by the Senate Workforce and Higher Education Committee

134th General Assembly

Regular Session

2021-2022

Am. S. B. No. 153

Senator Hoagland

A BILL

To amend section 5902.09 of the Revised Code to
expand the Electroencephalogram (EEG)
Transcranial Magnetic Stimulation (TMS) Pilot
Program and to make an appropriation.

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

Section 1. That section 5902.09 of the Revised Code be
amended to read as follows:

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Sec. 5902.09. (A) As used in this section, ~~"AMVETS" means~~
~~the American Veterans of World War II (AMVETS), Department of~~
~~Ohio.:~~

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"Electroencephalogram (EEG) combined transcranial magnetic
stimulation" means treatment in which transcranial magnetic
stimulation (TMS) frequency pulses are tuned to the patient's
physiology and biometric data, at the time of each treatment,
using a pre- and post-TMS EEG.

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"First responder" has the meaning defined in section
2903.01 of the Revised Code.

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"Law enforcement officer" has the meaning defined in
section 9.69 of the Revised Code.

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"Quality of life issues" means issues affecting human 19
performance including but not limited to issues related to or 20
resulting from problems with cognition and problems maintaining 21
attention, concentration, or focus. 22

(B) The directors of veterans services and mental health 23
and addiction services shall establish a pilot program to make 24
electroencephalogram (EEG) combined transcranial magnetic 25
stimulation available for veterans, first responders, and law 26
enforcement officers with substance use disorders ~~or,~~ mental 27
illness, sleep disorders, traumatic brain injuries, sexual 28
trauma, post traumatic stress disorder and accompanying 29
comorbidities, concussions or other brain trauma, or other 30
quality of life issues, and shall operate the program for three 31
years. The program shall be operated in conjunction with a 32
supplier selected under this section. 33

(C) The directors by mutual agreement shall choose a 34
location for the pilot program and for up to ten branch sites, 35
and shall enter into a contract for the purchase of services 36
related to the pilot program. A branch site may be a mobile unit 37
or an EEG combined neuromodulation portable unit if the 38
directors determine that mobile units or EEG combined 39
neuromodulation portable units are necessary to expand access to 40
care. The contract shall include provisions requiring the 41
supplier to create, ~~implement, operate~~ and conduct a clinical 42
trial, and to establish and operate a clinical practice, to 43
evaluate outcomes of the ~~pilot program~~ clinical trial and the 44
clinical practice, to choose a location for the pilot program, 45
to expend payments received from the state as needed for 46
purposes of the program, and to report quarterly regarding the 47
pilot program to the president of the senate and to the standing 48
committee of the senate that generally considers legislation 49

regarding veterans affairs. 50

(D) There is the electroencephalogram (EEG) combined 51
transcranial magnetic stimulation fund in the state treasury. It 52
shall consist of moneys appropriated to it by the general 53
assembly. The directors, with the approval of the controlling 54
board, may authorize a disbursement from the fund for services 55
rendered under the contract. 56

(E) One or both of the directors shall adopt rules under 57
Chapter 119. of the Revised Code as necessary to administer this 58
section, including ~~a~~ all of the following: 59

(1) A rule requiring adherence to United States food and 60
drug administration regulations governing the conduct of 61
clinical practice and clinical trials; 62

(2) A rule requiring that a peer-to-peer support network 63
be established and made available by the supplier to any 64
individual receiving treatment under the program; 65

(3) A rule establishing the program protocol will be to 66
use adapted stimulation frequency and intensity modulation based 67
on a daily EEG and motor threshold testing as well as clinical 68
symptoms and signs, and biometrics; 69

(4) A rule requiring that each individual who receives 70
treatment under the program also must receive pre- and post- 71
neurophysiological monitoring, with EEG and autonomic nervous 72
systems assessments, daily checklists of symptoms of alcohol, 73
opioid, or other substance use, and weekly medical counseling 74
and wellness programming, and also must participate in the peer- 75
to-peer support network established by the supplier; 76

(5) A rule requiring that ~~clinical~~ protocols and outcomes 77
are of the clinical trial, and of any treatment provided by the 78

clinical practice, must be collected and reported quarterly in a 79
report provided by the supplier. ~~The to the directors of~~ 80
veterans services and mental health and addiction services and 81
to the United States food and drug administration; 82

(6) A rule requiring that any individual who receives 83
treatment at the clinical practice be eligible for a minimum of 84
two electroencephalograms during the course of the individual's 85
treatment; 86

(7) A rule requiring that the report ~~shall also required~~ 87
by this section include a thorough accounting of the use and 88
expenditure of all funds received from the state under this 89
section. 90

(F) Contracts entered into under this section are subject 91
to section 9.231 and Chapter 125. of the Revised Code. 92

Section 2. That existing section 5902.09 of the Revised 93
Code is hereby repealed. 94

Section 3. All items in this act are hereby appropriated 95
as designated out of any moneys in the state treasury to the 96
credit of the designated fund. For all operating appropriations 97
made in this act, those in the first column are for fiscal year 98
2022 and those in the second column are for fiscal year 2023. 99
The operating appropriations made in this act are in addition to 100
any other operating appropriations made for the FY 2022-FY 2023 101
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Section 4. 103

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Section 5. Within the limits set forth in this act, the
Director of Budget and Management shall establish accounts
indicating the source and amount of funds for each appropriation
made in this act, and shall determine the form and manner in
which appropriation accounts shall be maintained. Expenditures
from operating appropriations contained in this act shall be
accounted for as though made in the main operating
appropriations act of the 134th General Assembly. The operating
appropriations made in this act are subject to all provisions of
the main operating appropriations act of the 134th General
Assembly that are generally applicable to such appropriations.