

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 105

Senators Johnson, Sykes

Cosponsors: Senators Hoagland, Craig, Ingram

A BILL

To amend sections 340.01, 340.02, 340.022, 340.03, 1
340.032, 340.033, 340.034, 340.035, 340.036, 2
340.04, 340.30, 5119.01, 5119.36, 5119.363, 3
5119.48, 5119.61, 5119.90, 5119.99, and 5160.45; 4
to enact sections 5119.39, 5119.391, 5119.392, 5
5119.393, 5119.394, 5119.395, 5119.396, and 6
5119.397; and to repeal sections 340.20 and 7
3720.041 of the Revised Code regarding the 8
composition of boards of alcohol, drug 9
addiction, and mental health services; the 10
authority of the boards; and the requirements 11
for operation of recovery housing residences. 12

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

Section 1. That sections 340.01, 340.02, 340.022, 340.03, 13
340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 340.30, 14
5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 5119.99, 15
and 5160.45 be amended and sections 5119.39, 5119.391, 5119.392, 16
5119.393, 5119.394, 5119.395, 5119.396, and 5119.397 of the 17
Revised Code be enacted to read as follows: 18

Sec. 340.01. (A) As used in this chapter: 19

(1) "Addiction," "addiction services," "alcohol and drug 20
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 21
"certifiable services and supports," "community addiction 22
services provider," "community mental health services provider," 23
"drug addiction," "gambling addiction services," "included 24
opioid and co-occurring drug addiction services and recovery 25
supports," "mental health services," "mental illness," "recovery 26
housing residence," and "recovery supports" have the same 27
meanings as in section 5119.01 of the Revised Code. 28

(2) "Medication-assisted treatment" means alcohol and drug 29
addiction services that are accompanied by medication approved 30
by the United States food and drug administration for the 31
treatment of ~~alcoholism~~ alcohol use disorder or drug addiction, 32
prevention of relapse ~~of alcoholism or drug addiction,~~ or both. 33

~~(3) "Recovery housing" means housing for individuals 34
recovering from alcoholism or drug addiction that provides an 35
alcohol and drug free living environment, peer support, 36
assistance with obtaining alcohol and drug addiction services, 37
and other alcoholism and drug addiction recovery assistance. 38~~

(B) An alcohol, drug addiction, and mental health service 39
district shall be established in any county or combination of 40
counties having a population of at least fifty thousand. With 41
the approval of the director of mental health and addiction 42
services, any county or combination of counties having a 43
population of less than fifty thousand may establish such a 44
district. Districts comprising more than one county shall be 45
known as joint-county districts. 46

The board of county commissioners of any county 47

participating in a joint-county district may submit a resolution 48
requesting withdrawal from the district together with a 49
comprehensive plan or plans that are in compliance with rules 50
adopted by the director of mental health and addiction services 51
under section 5119.22 of the Revised Code, ~~and that provide for~~ 52
~~the equitable adjustment and division of all services, assets,~~ 53
~~property, debts, and obligations, if any, of the joint county~~ 54
~~district~~ to the board of alcohol, drug addiction, and mental 55
health services, to the boards of county commissioners of each 56
county in the district, and to the director. The plan or plans 57
shall include all of the following: proposed bylaws for the 58
operation of the newly established district; a list of potential 59
board members; a list of the behavioral health services 60
available in the newly established district, including 61
inpatient, outpatient, prevention, and housing services; 62
equitable adjustment and division of all services, assets, 63
property, debts, and obligations of the former joint-county 64
district; a plan ensuring no disruption in behavioral health 65
services in the newly established district; and provision for 66
the employment of an executive director of the newly established 67
district. 68

The director shall approve the plan not later than one 69
year after the date the resolution was adopted by the board of 70
county commissioners. No county participating in a joint-county 71
~~service~~ district may withdraw from the district without the 72
consent of the director of mental health and addiction services 73
nor earlier than one year after the submission of such 74
resolution unless all of the participating counties agree to an 75
earlier withdrawal. ~~Any~~ 76

Any county withdrawing from a joint-county district shall 77
continue to have levied against its tax list and duplicate any 78

tax levied by the district during the period in which the county 79
was a member of the district until such time as the levy expires 80
or is renewed or replaced. 81

(C) For any tax levied under section 5705.19 of the 82
Revised Code by a board of a joint-county district formed on or 83
~~after the effective date of this amendment~~ April 3, 2023, 84
revenue from the tax shall only be expended for the benefit of 85
the residents of the county from which the revenue is derived. 86
For the purpose of this division, a joint-county district is not 87
formed by virtue of a county joining or withdrawing from a 88
district or if a joint-county service district merges with 89
another joint-county district. 90

Sec. 340.02. (A) For each alcohol, drug addiction, and 91
mental health service district, there shall be appointed a board 92
of alcohol, drug addiction, and mental health services 93
~~consisting.~~ As provided in this section, the board shall consist 94
of eighteen members~~or, fifteen members, fourteen members,~~ 95
twelve members, or nine members.~~Should the board of alcohol,~~ 96
~~drug addiction, and mental health services elect to remain at~~ 97
~~eighteen members, as provided under section 340.02 of the~~ 98
~~Revised Code as it existed immediately prior to the date of this~~ 99
~~amendment, the board of alcohol, drug addiction, and mental~~ 100
~~health services and the board of county commissioners shall not~~ 101
~~be required to take any action. Should the board of alcohol,~~ 102
~~drug addiction, and mental health services elect a~~ 103
~~recommendation to become a fourteen-member board, that~~ 104
~~recommendation must be approved by the board of county~~ 105
~~commissioners of the county in which the alcohol, drug~~ 106
~~addiction, and mental health district is located in order for~~ 107
~~the transition to a fourteen-member board to occur. Not later~~ 108
~~than September 30, 2013, each board of alcohol, drug addiction,~~ 109

~~and mental health services wishing to become a fourteen member board shall notify the board of county commissioners of that recommendation. Failure of the board of county commissioners to take action within thirty days after receipt of the recommendation shall be deemed agreement by the board of county commissioners to transition to a fourteen member board of alcohol, drug addiction, and mental health services. Should the board of county commissioners reject the recommendation, the board of county commissioners shall adopt a resolution stating that rejection within thirty days after receipt of the recommendation. Upon adoption of the resolution, the board of county commissioners shall meet with the board of alcohol, drug addiction, and mental health services to discuss the matter. After the meeting, the board of county commissioners shall notify the department of mental health and addiction services of its election not later than January 1, 2014. In a joint county district, a majority of the boards of county commissioners must not reject the recommendation of a joint county board to become a fourteen member board in order for the transition to a fourteen member board to occur. Should the joint county district have an even number of counties, and the boards of county commissioners of these counties tie in terms of whether or not to accept the recommendation of the alcohol, drug addiction, and mental health services board, the recommendation of the alcohol, drug addiction, and mental health service board to become a fourteen member board shall prevail. The election shall be final. Failure to provide notice of its election to the department on or before January 1, 2014, shall constitute an election to continue to operate as an eighteen member board, which election shall also be final. If an existing board provides timely notice of its election to transition to operate as a fourteen member board, the number of board members may~~

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~~decline from eighteen to fourteen by attrition as current~~ 142
~~members' terms expire. However, the composition of the board~~ 143
~~must reflect the requirements set forth in this section for~~ 144
~~fourteen-member boards. For all boards, half of the members~~ 145
~~shall be interested in mental health services and half of the~~ 146
~~members shall be interested in alcohol, drug, or gambling~~ 147
~~addiction services.~~ 148

In a single-county district, the size of the board shall 149
be determined by the board of county commissioners representing 150
the county that constitutes the district. In a joint-county 151
district, the size of the board shall be determined jointly by 152
all of the boards of county commissioners representing the 153
counties that constitute the district. 154

The determination of board size shall be made by selecting 155
one of the options described in division (B) of this section. 156
After an option is selected and implemented, a subsequent 157
determination of board size may be made, except that subsequent 158
determinations shall not occur more frequently than once every 159
four calendar years. 160

If a selected option would result in a change in board 161
size, before the option may be implemented the board of county 162
commissioners or boards of county commissioners, as the case may 163
be, shall send a representative to a meeting of the board of 164
alcohol, drug addiction, and mental health services to solicit 165
feedback about the matter. After considering any feedback 166
received, the board or boards of county commissioners may 167
proceed with implementing the change in board size. If the 168
change results in a reduction of board members, the reduction 169
shall be implemented by not filling vacancies as they occur. 170

To implement a selected option that would result in the 171

establishment of a new board of alcohol, drug addiction, and 172
mental health services or in a change in size of an existing 173
board, the board or boards of county commissioners, as the case 174
may be, shall adopt a resolution specifying the board size that 175
has been selected. The board or boards of county commissioners 176
also shall notify the department of mental health and addiction 177
services of the board size that has been selected. 178

(B) (1) In the case of a board of alcohol, drug addiction, 179
and mental health services that is established on or after the 180
effective date of this amendment, any of the following options 181
may be selected for purposes of division (A) of this section: 182

(a) To establish the board as an eighteen-member board; 183

(b) To establish the board as a fifteen-member board; 184

(c) To establish the board as a fourteen-member board; 185

(d) To establish the board as a twelve-member board; 186

(e) To establish the board as a nine-member board; 187

(f) To change the board's size after it has been 188
established by selecting a number of members that is eighteen, 189
fifteen, fourteen, twelve, or nine, as the case may be. 190

(2) In the case of a board of alcohol, drug addiction, and 191
mental health services that existed immediately prior to the 192
effective date of this amendment, either of the following 193
options may be selected for purposes of division (A) of this 194
section: 195

(a) To continue the board's operation as an eighteen- 196
member or fourteen-member board, as a board of that size was 197
authorized prior to the effective date of this amendment, in 198
which case no further action is required; 199

(b) To change the board's size by selecting a number of 200
members that is eighteen, fifteen, fourteen, twelve, or nine as 201
the case may be. 202

(C) All members shall be residents of the service 203
district. The membership shall, as nearly as possible, reflect 204
the composition of the population of the service district as to 205
race and sex. 206

~~(B) For boards operating as eighteen member boards, the~~ 207
The director of mental health and addiction services shall 208
appoint ~~eight~~ one-third of the members of the board and the 209
board of county commissioners shall appoint ~~ten~~ two-thirds of 210
the members. ~~For boards operating as fourteen member boards, the~~ 211
~~director of mental health and addiction services shall appoint~~ 212
~~six members of the board and the board of county commissioners~~ 213
~~shall appoint eight members.~~ In a joint-county district, the 214
board of county commissioners of each participating county shall 215
appoint members in as nearly as possible the same proportion as 216
that county's population bears to the total population of the 217
district, except that at least one member shall be appointed 218
from each participating county. 219

~~(C) The director of mental health and addiction services~~ 220
~~shall ensure that at least one member of the board is a~~ 221
~~clinician with experience in the delivery of mental health~~ 222
~~services, at least one member of the board is~~ In making 223
appointments to the board, the appointing authorities shall 224
ensure that at least one-half of the board's membership, at all 225
times, consists of persons who are qualified to serve by virtue 226
of being any of the following: a person who has received or is 227
receiving mental health services, ~~at least one member of the~~ 228
~~board~~ or who is a parent or other relative of such a person, ~~at~~ 229

~~least one member of the board is a clinician with experience in~~ 230
~~the delivery of addiction services, at least one member of the~~ 231
~~board is or~~ a person who has received or is receiving addiction 232
services, ~~and at least one member of the board~~ or who is a 233
parent or other relative of such a person. ~~A single member who~~ 234
~~meets both qualifications may fulfill the requirement for a~~ 235
~~clinician with experience in the delivery of mental health~~ 236
~~services and a clinician with experience in the delivery of~~ 237
~~addiction services.~~ 238

~~(D)~~ No member or employee of a board of alcohol, drug 239
addiction, and mental health services shall serve as a member of 240
the board of any provider with which the board of alcohol, drug 241
addiction, and mental health services has entered into a 242
contract for the provision of services or facilities. No member 243
of a board of alcohol, drug addiction, and mental health 244
services shall be an employee of any provider with which the 245
board has entered into a contract for the provision of services 246
or facilities. No person shall be an employee of a board and 247
such a provider unless the board and provider both agree in 248
writing. 249

~~(E)~~ No person shall serve as a member of the board of 250
alcohol, drug addiction, and mental health services whose 251
spouse, child, parent, brother, sister, grandchild, stepparent, 252
stepchild, stepbrother, stepsister, father-in-law, mother-in- 253
law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 254
law serves as a member of the board of any provider with which 255
the board of alcohol, drug addiction, and mental health services 256
has entered into a contract for the provision of services or 257
facilities. No person shall serve as a member ~~or employee~~ of the 258
board whose spouse, child, parent, brother, sister, stepparent, 259
stepchild, stepbrother, stepsister, father-in-law, mother-in- 260

law, son-in-law, daughter-in-law, brother-in-law, or sister-in- 261
law serves as a county commissioner of a county or counties in 262
the alcohol, drug addiction, and mental health service district. 263

~~(F)~~ Each year each board member shall attend at least one 264
inservice training session provided or approved by the 265
department of mental health and addiction services. 266

~~(G) For boards operating as eighteen member boards, each~~ 267
Each member shall be appointed for a term of four years, 268
commencing the first day of July, except that ~~one third of~~ 269
~~initial appointments to a newly established board, and to the~~ 270
~~extent possible to expanded boards, shall be for terms of two~~ 271
~~years, one third of initial appointments shall be for terms of~~ 272
~~three years, and one third of initial appointments shall be for~~ 273
~~terms of four years. For boards operating as fourteen member~~ 274
~~boards, each member shall be appointed for a term of four years,~~ 275
~~commencing the first day of July, except that four of the~~ 276
~~initial appointments to a newly established board, and to the~~ 277
~~extent possible to expanded boards, shall be for terms of two~~ 278
~~years, five initial appointments shall be for terms of three~~ 279
~~years, and five initial appointments shall be for terms of four~~ 280
~~years. No when a board is established on or after the effective~~ 281
date of this amendment, the initial appointments shall be 282
staggered among the members as equally as possible with terms of 283
two years, three years, and four years. 284

No member shall serve more than two consecutive four-year 285
terms under the same appointing authority. A member may serve 286
for three consecutive terms under the same appointing authority 287
only if one of the terms is for less than two years. A member 288
who has served two consecutive four-year terms or three 289
consecutive terms totaling less than ten years is eligible for 290

reappointment by the same appointing authority one year 291
following the end of the second or third term, respectively. 292

When a vacancy occurs, appointment for the expired or 293
unexpired term shall be made in the same manner as an original 294
appointment. The board shall notify the appointing authority 295
either by certified mail or, if the board has record of an 296
internet identifier of record associated with the authority, by 297
ordinary mail and by that internet identifier of record of any 298
vacancy and shall fill the vacancy within sixty days following 299
that notice. As used in this paragraph, "internet identifier of 300
record" has the same meaning as in section 9.312 of the Revised 301
Code. 302

Any member of the board may be removed from office by the 303
appointing authority ~~for neglect of duty, misconduct, or~~ 304
~~malfeasance in office, and shall be removed by the appointing~~ 305
~~authority if the member is barred by this section from serving~~ 306
~~as a board member at will.~~ The ~~Before a member may be removed at~~ 307
will, the member shall be informed in writing of the ~~charges~~ 308
proposed removal and afforded an opportunity for a public 309
hearing. Upon the absence of a member within one year from 310
either four board meetings or from two board meetings without 311
prior notice, the board shall notify the appointing authority, 312
which may vacate the appointment and appoint another person to 313
complete the member's term. 314

Members of the board shall serve without compensation, but 315
shall be reimbursed for actual and necessary expenses incurred 316
in the performance of their official duties, as defined by rules 317
of the department of mental health and addiction services. 318

~~(H) As used in this section, "internet identifier of~~ 319
~~record" has the same meaning as in section 9.312 of the Revised~~ 320

Code. 321

Sec. 340.022. ~~(A) if~~ Notwithstanding the procedures 322
established by section 340.02 of the Revised Code for 323
determining the size of a board of alcohol, drug addiction, and 324
mental health services, the size of a board shall be determined 325
in accordance with this section in both of the following 326
circumstances: 327

(A) (1) If the director of mental health and addiction 328
services during the period beginning January 1, 2021, and ending 329
December 31, 2022, grants approval to a board of county 330
commissioners of a county with a population of at least seventy 331
thousand but not more than eighty thousand, according to data 332
from the 2010 federal census, to withdraw from a joint-county 333
alcohol, drug addiction, and mental health service district 334
pursuant to section 340.01 of the Revised Code, ~~The~~ the size of 335
the board shall be determined by the board of county 336
commissioners representing the county that constitutes the 337
single-county alcohol, drug addiction, and mental health service 338
district created as a result of the withdrawal. The 339
determination shall be made from among the options that may be 340
selected under division ~~(B)~~ (A) (2) of this section. Once an 341
option is selected, the board of county commissioners shall 342
adopt a resolution specifying the selection that has been made 343
and shall notify the department of mental health and addiction 344
services. After the resolution is adopted and the department is 345
notified, the determination of size is final. 346

~~(B) (1)~~ (2) In the case of a board of alcohol, drug 347
addiction, and mental health services that is established on or 348
after the date the director grants the approval to withdraw 349
described in division ~~(A)~~ (A) (1) of this section, ~~any~~ either of 350

the following options may be selected by the board of county 351
commissioners when making the determination required under that 352
division: 353

(a) To establish the board as an eighteen-member board; 354

(b) To establish the board as a fourteen-member board. 355

~~(C) (3) When a board is established on or after the~~ 356
~~effective date of this section September 30, 2021,~~ 357
the initial 358
appointments shall be staggered among the members as equally as 359
possible with terms of two years, three years, and four years.

~~(D) (1) Notwithstanding the membership requirements of~~ 360
~~section 340.02 of the Revised Code, if (B) (1) If~~ 361
a county with a 362
population of at least thirty-five thousand but not more than 363
forty-five thousand, according to data from the 2010 federal 364
census, joins an existing alcohol, drug addiction, and mental 365
health service district during the period beginning on June 30, 366
2021, and ending June 30, 2023, the existing board of alcohol, 367
drug addiction, and mental health services serving that district 368
may elect to expand its membership to eighteen members if the 369
existing board has fourteen members.

(2) The option to expand the board, as provided in 370
division ~~(D) (1)~~ (B) (1) of this section, is available only during 371
the twelve-month period beginning on the date the county with a 372
population of at least thirty-five thousand but not more than 373
forty-five thousand joins the alcohol, drug addiction, and 374
mental health service district served by the board. The 375
additional members shall be appointed in the manner specified in 376
section 340.02 of the Revised Code. 377

Sec. 340.03. (A) Subject to rules issued by the director 378
of mental health and addiction services after consultation with 379

relevant constituencies as required by division (A) (10) of 380
section 5119.21 of the Revised Code, each board of alcohol, drug 381
addiction, and mental health services shall: 382

(1) Serve as the community addiction and mental health 383
planning agency for the county or counties under its 384
jurisdiction, and in so doing it shall: 385

(a) Evaluate the need for facility services, addiction 386
services, mental health services, and recovery supports; 387

(b) In cooperation with other local and regional planning 388
and funding bodies and with relevant ethnic organizations, 389
evaluate strengths and challenges and set priorities for 390
addiction services, mental health services, and recovery 391
supports. A board shall include treatment and prevention 392
services when setting priorities for addiction services and 393
mental health services. When a board sets priorities for 394
addiction services, the board shall consult with the county 395
commissioners of the counties in the board's service district 396
regarding the services described in section 340.15 of the 397
Revised Code and shall give priority to those services, except 398
that those services shall not have a priority over services 399
provided to pregnant women under programs developed in relation 400
to the mandate established in section 5119.17 of the Revised 401
Code. 402

(c) In accordance with guidelines issued by the director 403
of mental health and addiction services under division (F) of 404
section 5119.22 of the Revised Code, annually develop and submit 405
to the department of mental health and addiction services a 406
community addiction and mental health plan that addresses both 407
of the following: 408

(i) The needs of all residents of the service district 409
currently receiving inpatient services in state-operated 410
hospitals, the needs of other populations as required by state 411
or federal law or programs, and the needs of all children 412
subject to a determination made pursuant to section 121.38 of 413
the Revised Code; 414

(ii) The department's priorities for facility services, 415
addiction services, mental health services, and recovery 416
supports during the period for which the plan will be in effect. 417
The department shall inform all of the boards of the 418
department's priorities in a timely manner that enables the 419
boards to know the department's priorities before the boards 420
develop and submit the plans. 421

In alcohol, drug addiction, and mental health service 422
districts that have separate alcohol and drug addiction services 423
and community mental health boards, the alcohol and drug 424
addiction services board shall submit a community addiction plan 425
and the community mental health board shall submit a community 426
mental health plan. Each board shall consult with its 427
counterpart in developing its plan and address the interaction 428
between the local addiction and mental health systems and 429
populations with regard to needs and priorities in developing 430
its plan. 431

The department shall approve or disapprove the plan, in 432
whole or in part, in accordance with division (G) of section 433
5119.22 of the Revised Code. Eligibility for state and federal 434
funding shall be contingent upon an approved plan or relevant 435
part of a plan. 436

If a board determines that it is necessary to amend an 437
approved plan, the board shall submit a proposed amendment to 438

the director. The director shall approve or disapprove all or 439
part of the amendment in accordance with division (H) of section 440
5119.22 of the Revised Code. 441

The board shall operate in accordance with the plan 442
approved by the department. 443

(d) Promote, arrange, and implement working agreements 444
with social service agencies, both public and private, ~~and~~ 445
including other government programs that provide public 446
benefits, in which case the agreements shall be for the 447
following purposes: to coordinate public benefits and to improve 448
the management and administration of the government programs; 449

(e) Promote, arrange, and implement working agreements 450
with judicial agencies. 451

(2) Investigate, or request another agency to investigate, 452
any complaint alleging abuse or neglect of any person receiving 453
addiction services, mental health services, or recovery supports 454
from a community addiction services provider or community mental 455
health services provider or alleging abuse or neglect of a 456
resident receiving addiction services or with mental illness or 457
severe mental disability residing in a residential facility 458
licensed under section 5119.34 of the Revised Code. If the 459
investigation substantiates the charge of abuse or neglect, the 460
board shall take whatever action it determines is necessary to 461
correct the situation, including notification of the appropriate 462
authorities. Upon request, the board shall provide information 463
about such investigations to the department. 464

(3) For the purpose of section 5119.36 of the Revised 465
Code, cooperate with the director of mental health and addiction 466
services in visiting and evaluating whether the certifiable 467

services and supports of a community addiction services provider 468
or community mental health services provider satisfy the 469
certification standards established by rules adopted under that 470
section~~7~~. In addition, a board shall provide input and 471
recommendations to the department when an application for 472
certification or the renewal of a certification has been 473
submitted by a provider or when a provider is being investigated 474
by the department, if the board, in either of those 475
circumstances, is aware of information that would be beneficial 476
to the department's consideration of the matter. 477

(4) In accordance with criteria established under division 478
(D) of section 5119.22 of the Revised Code, conduct program 479
audits that review and evaluate the quality, effectiveness, and 480
efficiency of addiction services, mental health services, and 481
recovery supports provided by community addiction services 482
providers and community mental health services providers under 483
contract with the board and submit the board's findings and 484
recommendations to the department of mental health and addiction 485
services; 486

(5) In accordance with section 5119.34 of the Revised 487
Code, review an application for a residential facility license 488
and provide to the department of mental health and addiction 489
services any information about the applicant or facility that 490
the board would like the department to consider in reviewing the 491
application; 492

(6) Audit, in accordance with rules adopted by the auditor 493
of state pursuant to section 117.20 of the Revised Code, at 494
least annually all programs, addiction services, mental health 495
services, and recovery supports provided under contract with the 496
board. In so doing, the board may contract for or employ the 497

services of private auditors. A copy of the fiscal audit report 498
shall be provided to the director of mental health and addiction 499
services, the auditor of state, and the county auditor of each 500
county in the board's district. 501

(7) Recruit and promote local financial support for 502
addiction services, mental health services, and recovery 503
supports from private and public sources; 504

(8) In accordance with guidelines issued by the department 505
as necessary to comply with state and federal laws pertaining to 506
financial assistance, approve fee schedules and related charges 507
or adopt a unit cost schedule or other methods of payment for 508
addiction services, mental health services, and recovery 509
supports provided by community addiction services providers and 510
community mental health services providers that have contracted 511
with the board under section 340.036 of the Revised Code; 512

(9) Submit to the director and the county commissioners of 513
the county or counties served by the board, and make available 514
to the public, an annual report of the addiction services, 515
mental health services, and recovery supports under the 516
jurisdiction of the board, including a fiscal accounting; 517

(10) Establish a method for evaluating referrals for 518
court-ordered treatment and affidavits filed pursuant to section 519
5122.11 of the Revised Code in order to assist the probate 520
division of the court of common pleas in determining whether 521
there is probable cause that a respondent is subject to court- 522
ordered treatment and whether alternatives to hospitalization 523
are available and appropriate; 524

(11) Designate the treatment services, provider, facility, 525
or other placement for each person involuntarily committed to 526

the board pursuant to Chapter 5122. of the Revised Code. The 527
board shall provide the least restrictive and most appropriate 528
alternative that is available for any person involuntarily 529
committed to it and shall assure that the list of addiction 530
services, mental health services, and recovery supports 531
submitted and approved in accordance with division (B) of 532
section 340.08 of the Revised Code are available to persons with 533
severe mental disabilities residing within its service district. 534
The board shall establish the procedure for authorizing payment 535
for the services and supports, which may include prior 536
authorization in appropriate circumstances. In accordance with 537
section 340.037 of the Revised Code, the board may provide 538
addiction services and mental health services directly to a 539
person with a severe mental disability when life or safety is 540
endangered and when no community addiction services provider or 541
community mental health services provider is available to 542
provide the service. 543

(12) Ensure that housing built, subsidized, renovated, 544
rented, owned, or leased by the board or a community addiction 545
services provider or community mental health services provider 546
has been approved as meeting minimum fire safety standards and 547
that persons residing in the housing have access to appropriate 548
and necessary services, including culturally relevant services, 549
from a community addiction services provider or community mental 550
health services provider. This division does not apply to 551
residential facilities licensed pursuant to section 5119.34 of 552
the Revised Code. 553

(13) Establish a mechanism for obtaining advice and 554
involvement of persons receiving addiction services, mental 555
health services, or recovery supports on matters pertaining to 556
services and supports in the alcohol, drug addiction, and mental 557

health service district; 558

(14) Perform the duties required by rules adopted under 559
section 5119.22 of the Revised Code regarding referrals by the 560
board or community mental health services providers under 561
contract with the board of individuals with mental illness or 562
severe mental disability to class two residential facilities 563
licensed under section 5119.34 of the Revised Code and effective 564
arrangements for ongoing mental health services for the 565
individuals. The board is accountable in the manner specified in 566
the rules for ensuring that the ongoing mental health services 567
are effectively arranged for the individuals. 568

(B) Each board of alcohol, drug addiction, and mental 569
health services shall establish such rules, operating 570
procedures, standards, and bylaws, and perform such other duties 571
as may be necessary or proper to carry out the purposes of this 572
chapter. 573

(C) A board of alcohol, drug addiction, and mental health 574
services may receive by gift, grant, devise, or bequest any 575
moneys, lands, or property for the benefit of the purposes for 576
which the board is established, and may hold and apply it 577
according to the terms of the gift, grant, or bequest. All money 578
received, including accrued interest, by gift, grant, or bequest 579
shall be deposited in the treasury of the county, the treasurer 580
of which is custodian of the alcohol, drug addiction, and mental 581
health services funds to the credit of the board and shall be 582
available for use by the board for purposes stated by the donor 583
or grantor. 584

(D) No member or employee of a board of alcohol, drug 585
addiction, and mental health services shall be liable for injury 586
or damages caused by any action or inaction taken within the 587

scope of the member's official duties or the employee's 588
employment, whether or not such action or inaction is expressly 589
authorized by this section or any other section of the Revised 590
Code, unless such action or inaction constitutes willful or 591
wanton misconduct. Chapter 2744. of the Revised Code applies to 592
any action or inaction by a member or employee of a board taken 593
within the scope of the member's official duties or employee's 594
employment. For the purposes of this division, the conduct of a 595
member or employee shall not be considered willful or wanton 596
misconduct if the member or employee acted in good faith and in 597
a manner that the member or employee reasonably believed was in 598
or was not opposed to the best interests of the board and, with 599
respect to any criminal action or proceeding, had no reasonable 600
cause to believe the conduct was unlawful. 601

(E) The meetings held by any committee established by a 602
board of alcohol, drug addiction, and mental health services 603
shall be considered to be meetings of a public body subject to 604
section 121.22 of the Revised Code. 605

(F) (1) A board of alcohol, drug addiction, and mental 606
health services may establish a rule, operating procedure, 607
standard, or bylaw to allow the executive director of the board 608
to execute both of the following types of contracts valued at 609
twenty-five thousand dollars or less, as determined by the 610
board, on behalf of the board without the board's prior 611
approval: 612

(a) Emergency contracts for clinical services or recovery 613
support services; 614

(b) Standard service contracts pertaining to the board's 615
operations. 616

(2) If a board establishes a rule, operating procedure,
standard, or bylaw under division (F)(1) of this section, both
of the following shall be the case:

(a) The board shall define the scope of contracts
described in divisions (F)(1)(a) and (b) of this section in that
rule, operating procedure, standard, or bylaw.

(b) The board shall disclose the existence of a contract
executed pursuant to the rule, operating procedure, standard, or
bylaw at the first board meeting that occurs after the contract
was executed and ensure that a record of that disclosure is
included in the written minutes of that meeting.

Sec. 340.032. Subject to rules adopted by the director of
mental health and addiction services after consultation with
relevant constituencies as required by division (A)(10) of
section 5119.21 of the Revised Code, each board of alcohol, drug
addiction, and mental health services shall do all of the
following:

(A) Establish, to the extent resources are available, a
community-based continuum of care that includes all of the
following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement
activities:

(a) Locating persons in need of addiction services and
persons in need of mental health services to inform them of
available addiction services, mental health services, and
recovery supports;

(b) Helping persons who receive addiction services and

persons who receive mental health services obtain services 645
necessary to meet basic human needs for food, clothing, shelter, 646
medical care, personal safety, and income. 647

(3) Assessment services; 648

(4) Care coordination; 649

(5) Residential services; 650

(6) At least the following outpatient services: 651

(a) Nonintensive; 652

(b) Intensive, such as partial hospitalization and 653
assertive community treatment; 654

(c) Withdrawal management; 655

(d) Emergency and crisis. 656

(7) Where appropriate, at least the following inpatient 657
services: 658

(a) Psychiatric care; 659

(b) Medically managed alcohol or drug treatment. 660

(8) At least all of the following recovery supports: 661

(a) Peer support; 662

(b) A wide range of housing and support services, 663
including recovery housing residences; 664

(c) Employment, vocational, and educational opportunities; 665

(d) Assistance with social, personal, and living skills; 666

(e) Multiple paths to recovery such as twelve-step 667
approaches and parent advocacy connection; 668

(f) Support, assistance, consultation, and education for 669
families, friends, and persons receiving addiction services, 670
mental health services, and recovery supports. 671

(9) In accordance with section 340.033 of the Revised 672
Code, an array of addiction services and recovery supports for 673
all levels of opioid and co-occurring drug addiction; 674

(10) Any additional elements the department of mental 675
health and addiction services, pursuant to section 5119.21 of 676
the Revised Code, determines are necessary to establish the 677
community-based continuum of care. 678

(B) Ensure that the rights of persons receiving any 679
elements of the community-based continuum of care are protected; 680

(C) Ensure that persons receiving any elements of the 681
community-based continuum of care are able to utilize grievance 682
procedures applicable to the elements. 683

Sec. 340.033. The array of addiction services and recovery 684
supports for all levels of opioid and co-occurring drug 685
addiction required by section 340.032 of the Revised Code to be 686
included in a community-based continuum of care established 687
under that section shall include at least ambulatory and sub- 688
acute detoxification, non-intensive and intensive outpatient 689
services, medication-assisted treatment, peer support, 690
residential services, recovery housing residences pursuant to 691
section 340.034 of the Revised Code, and multiple paths to 692
recovery such as twelve-step approaches. The services and 693
supports shall be made available in the service district of each 694
board of alcohol, drug addiction, and mental health services, 695
except as provided by either of the following: 696

(A) Sub-acute detoxification and residential services may 697

be made available through a contract with one or more providers 698
of sub-acute detoxification or residential services located in 699
other service districts. 700

(B) To the extent authorized by a time-limited waiver 701
issued under section 5119.221 of the Revised Code, ambulatory 702
detoxification and medication-assisted treatment may be made 703
available through a contract with one or more community 704
addiction services providers located not more than thirty miles 705
beyond the borders of the board's service district. 706

The services and supports shall be made available in a 707
manner that ensures that recipients are able to access the 708
services and supports they need for opioid and co-occurring drug 709
addiction in an integrated manner and in accordance with their 710
assessed needs when changing or obtaining additional addiction 711
services or recovery supports for such addiction. An individual 712
seeking a service or support for opioid and co-occurring drug 713
addiction included in a community-based continuum of care shall 714
not be denied the service or support on the basis of the 715
individual's prior experience with the service or support. 716

Sec. 340.034. All of the following apply to ~~the~~ recovery 717
housing residences required by section 340.033 of the Revised 718
Code to be part of included opioid and co-occurring drug 719
addiction services and recovery supports: 720

(A) ~~The~~ A recovery housing residence shall comply with the 721
requirements of being monitored by the department of mental 722
health and addiction services under sections 5119.39 to 5119.396 723
of the Revised Code and any rules adopted under section 5119.397 724
of the Revised Code, but the residence is not ~~be~~ subject to 725
residential facility licensure by the department of mental 726
~~health and addiction services~~ under section 5119.34 of the 727

Revised Code. 728

(B) ~~The recovery housing shall not be subject to~~ 729
~~certification as a recovery support under section 5119.36 of the~~ 730
~~Revised Code.~~ 731

~~(C) The~~ A recovery housing residence shall not be ~~owned~~ 732
~~and~~ operated by a board of alcohol, drug addiction, and mental 733
health services unless any of the following applies: 734

(1) The board ~~owns and operates~~ operated the recovery 735
housing residence on July 1, 2017. 736

(2) The board utilizes local funds in the development, ~~7~~ 737
~~purchase,~~ or operation of the recovery housing residence. 738

(3) The board determines that there is a need for the 739
board to assume ~~the ownership and~~ operation of the recovery 740
housing residence, such as when an existing ~~owner and~~ operator 741
of the ~~recovery housing residence~~ goes out of business, ~~7~~ and the 742
board considers the assumption of ~~ownership and~~ operation of the 743
~~recovery housing residence~~ to be in the best interest of the 744
community. 745

~~(D) The~~ (C) A recovery housing residence shall have 746
protocols for all of the following: 747

(1) Administrative oversight; 748

(2) Quality standards; 749

(3) Policies and procedures, including house rules, for 750
its residents to which the residents must agree to adhere. 751

~~(E) (D)~~ Family members of ~~the a resident of a~~ recovery 752
~~housing's residents housing residence~~ may reside in the ~~recovery~~ 753
~~housing residence~~ to the extent permitted by protocols of the 754

~~recovery housing's protocols permit~~residence.

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~~(F) The~~ (E) A recovery housing residence 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 residence's~~ protocols, in
collaboration with the ~~recovery housing's owner and residence's~~
operator, and, if appropriate, in consultation and integration
with a community addiction services provider.

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~~(G) The~~ (F) A recovery housing residence may permit its
residents to receive medication-assisted treatment.

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~~(H) (G) A resident of a recovery housing resident~~
residence may receive addiction services that are certified by
the department ~~of mental health and addiction services~~ under
section 5119.36 of the Revised Code.

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Sec. 340.035. (A) A board of alcohol, drug addiction, and
mental health services may advocate on behalf of medicaid
recipients enrolled in medicaid managed care organizations and
medicaid-eligible individuals, any of whom have been identified
as needing addiction or mental health services.

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(B) The department of mental health and addiction services
and the department of medicaid shall, not later than December
31, 2024, develop and implement standards and procedures for the
exchange of medicaid recipient information, as defined in
section 5160.45 of the Revised Code, between boards of alcohol,
drug addiction, and mental health services and the department of
medicaid. The information shall be exchanged for the following
purposes: to coordinate public benefits; to improve the
management and administration of medicaid and other publicly

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funded programs offering addiction or mental health services; 784
and to ensure that the essential elements of a board's continuum 785
of care are available, as appropriate, to persons seeking or 786
receiving addiction or mental health services. 787

Sec. 340.036. (A) Subject to division (B) of this section 788
and rules adopted by the director of mental health and addiction 789
services after consultation with relevant constituencies as 790
required by division (A) (10) of section 5119.21 of the Revised 791
Code, each board of alcohol, drug addiction, and mental health 792
services shall enter into contracts with all of the following: 793

(1) Public and private facilities for the operation of 794
facility services; 795

(2) Community addiction services providers for addiction 796
services and recovery supports; 797

(3) Community mental health services providers for mental 798
health services and recovery supports. 799

(B) No board shall do any of the following: 800

(1) Contract with a residential facility required to be 801
licensed under section 5119.34 of the Revised Code unless the 802
facility is so licensed; 803

(2) Contract with a community addiction services provider 804
or community mental health services provider for certifiable 805
services and supports unless the certifiable services and 806
supports are certified under section 5119.36 of the Revised 807
Code; 808

(3) Contract with a community addiction services provider 809
or community mental health services provider for recovery 810
supports that are required by the director to meet quality 811

criteria or core competencies unless the recovery supports meet 812
the criteria or competencies. 813

(C) When a board contracts with a community addiction 814
services provider or community mental health services provider 815
for addiction services, mental health services, or recovery 816
supports, all of the following apply: 817

(1) The board shall consider both of the following: 818

(a) The cost effectiveness and quality of the provider's 819
services and supports; 820

(b) Continuity of care. 821

(2) The board may review cost elements, including salary 822
costs, of the services and supports. 823

(3) The board may establish, in a way that is most 824
effective and efficient in meeting local needs, a utilization 825
review process as part of the contract. 826

~~(D) If a party to a contract entered into under this 827
section proposes not to renew the contract or proposes 828
substantial changes in contract terms, the other party shall be 829
given written notice at least one hundred twenty days before the 830
expiration date of the contract. During the first sixty days of 831
this one hundred twenty day period, both parties shall attempt 832
to resolve any dispute through good faith collaboration and 833
negotiation in order to continue to provide services and 834
supports to persons in need. If the dispute has not been 835
resolved sixty days before the expiration date of the contract, 836
either party may notify the director of the unresolved dispute. 837
The director may require both parties to submit the dispute to 838
another entity with the cost to be shared by the parties. Not 839
later than twenty days before the expiration date of the 840~~

~~contract or a later date to which both parties agree, the other~~ 841
~~entity shall issue to the parties and director recommendations~~ 842
~~on how the dispute may be resolved. The director shall adopt~~ 843
~~rules establishing the procedures of this dispute resolution~~ 844
~~process.~~(4) The terms of the contract shall include a process by 845
which the board may terminate the contract before it is 846
scheduled to expire, for any cause the board considers necessary 847
for the early termination of the contract, and a process by 848
which a provider may appeal the board's decision regarding the 849
early termination. 850

~~(E)~~ (D) Section 307.86 of the Revised Code does not apply 851
to contracts entered into under this section, but a board of 852
alcohol, drug addiction, and mental health services may elect to 853
establish and use a process for selecting and entering into 854
contracts on a competitive basis or any other basis the board 855
considers appropriate. 856

Sec. 340.04. Each board of alcohol, drug addiction, and 857
mental health services shall employ a qualified mental health or 858
addiction services professional with experience in 859
administration or a professional administrator with experience 860
in mental health services or addiction services to serve as 861
executive director of the board and shall prescribe the 862
director's duties. 863

The board shall fix the compensation of the executive 864
director. In addition to such compensation, the director shall 865
be reimbursed for actual and necessary expenses incurred in the 866
performance of the director's official duties. The board, by 867
majority vote of the full membership, may remove the director 868
for cause at any time, contingent upon any written contract 869
between the board and the executive director, upon written 870

charges, after an opportunity has been afforded the director for 871
a hearing before the board on request. 872

The board may delegate to its executive director the 873
authority to act in its behalf in the performance of its 874
administrative duties. 875

As used in this section, "mental health professional" and 876
"addiction services professional" mean an individual who is 877
qualified to work with persons with mental illnesses or persons 878
receiving addiction services, pursuant to standards established 879
by the director of mental health and addiction services under 880
Chapter 5119. of the Revised Code. 881

Sec. 340.30. (A) There is hereby created the county hub 882
program to combat opioid addiction. The purposes of the program 883
are as follows: 884

(1) To strengthen county and community efforts to prevent 885
and treat opioid addiction; 886

(2) To educate youth and adults about the dangers of 887
opioid addiction and the negative effects it has on society; 888

(3) To promote family building and workforce development 889
as ways of ~~combating~~ combating opioid addiction in communities; 890

(4) To encourage community engagement in efforts to 891
address the purposes specified in divisions (A)(1) to (3) of 892
this section. 893

(B) The program shall be administered by each board of 894
alcohol, drug addiction, and mental health services. If the 895
service district a board represents consists of more than one 896
county, the board shall administer the program in each county. 897

~~(C) Not later than January 1, 2020, each board shall~~ 898

~~submit a report to the department of mental health and addiction-~~ 899
~~services summarizing the board's work on, and progress toward,~~ 900
~~addressing each of the program's purposes. The department shall~~ 901
~~aggregate the reports received from the boards and submit a~~ 902
~~statewide report to the governor and general assembly. The copy~~ 903
~~submitted to the general assembly shall be submitted in~~ 904
~~accordance with section 101.68 of the Revised Code.~~ 905

Sec. 5119.01. (A) As used in this chapter: 906

(1) "Addiction" means the chronic and habitual use of 907
alcoholic beverages, the use of a drug of abuse as defined in 908
section 3719.011 of the Revised Code, or the use of gambling by 909
an individual to the extent that the individual no longer can 910
control the individual's use of alcohol, the individual becomes 911
physically or psychologically dependent on the drug, the 912
individual's use of alcohol or drugs endangers the health, 913
safety, or welfare of the individual or others, or the 914
individual's gambling causes psychological, financial, 915
emotional, marital, legal, or other difficulties endangering the 916
health, safety, or welfare of the individual or others. 917

(2) "Addiction services" means services, including 918
intervention, for the treatment of persons with alcohol, drug, 919
or gambling addictions, and for the prevention of such 920
addictions. 921

(3) "Alcohol and drug addiction services" means services, 922
including intervention, for the treatment of persons with 923
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 924
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 925
and drug addiction. 926

(4) ~~"Alcoholism"~~ "Alcohol use disorder" means ~~the chronic~~ 927

~~and habitual use of alcoholic beverages by an individual to the~~ 928
~~extent that the individual no longer can a medical condition~~ 929
~~characterized by an individual's impaired ability to stop or~~ 930
control the individual's ~~use of alcohol or endangers the use~~ 931
~~despite adverse social, occupational, or health, safety, or~~ 932
~~welfare of the individual or others~~ consequences. An alcohol use 933
disorder may be classified as mild, moderate, or severe. 934

(5) "Certifiable services and supports" means all of the 935
following: 936

(a) Alcohol and drug addiction services; 937

(b) Mental health services; 938

(c) The types of recovery supports that are specified in 939
rules adopted under section 5119.36 of the Revised Code as 940
requiring certification under that section. 941

(6) "Community addiction services provider" means an 942
agency, association, corporation or other legal entity, 943
individual, or program that provides one or more of the 944
following: 945

(a) Alcohol and drug addiction services that are certified 946
by the director of mental health and addiction services under 947
section 5119.36 of the Revised Code; 948

(b) Gambling addiction services; 949

(c) Recovery supports that are related to alcohol and drug 950
addiction services or gambling addiction services and paid for 951
with federal, state, or local funds administered by the 952
department of mental health and addiction services or a board of 953
alcohol, drug addiction, and mental health services. 954

(7) "Community mental health services provider" means an 955

agency, association, corporation, individual, or program that 956
provides either of the following: 957

(a) Mental health services that are certified by the 958
director of mental health and addiction services under section 959
5119.36 of the Revised Code; 960

(b) Recovery supports that are related to mental health 961
services and paid for with federal, state, or local funds 962
administered by the department of mental health and addiction 963
services or a board of alcohol, drug addiction, and mental 964
health services. 965

(8) "Drug addiction" means the use of a drug of abuse, as 966
defined in section 3719.011 of the Revised Code, by an 967
individual to the extent that the individual becomes physically 968
or psychologically dependent on the drug or endangers the 969
health, safety, or welfare of the individual or others. 970

(9) "Gambling addiction" means the use of gambling by an 971
individual to the extent that it causes psychological, 972
financial, emotional, marital, legal, or other difficulties 973
endangering the health, safety, or welfare of the individual or 974
others. 975

(10) "Gambling addiction services" means services for the 976
treatment of persons who have a gambling addiction and for the 977
prevention of gambling addiction. 978

(11) "Hospital" means a hospital or inpatient unit 979
licensed by the department of mental health and addiction 980
services under section 5119.33 of the Revised Code, and any 981
institution, hospital, or other place established, controlled, 982
or supervised by the department under ~~Chapter 5119. of the~~ 983
~~Revised Code~~ this chapter. 984

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

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

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with ~~alcoholism~~ alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's

recovery from ~~alcoholism~~ alcohol use disorder, drug addiction, or 1014
mental illness. "Recovery supports" does not mean alcohol and 1015
drug addiction services or mental health services. 1016

~~(18) (a) "Residence"~~ (19) (a) "Residence," except when 1017
referring to a recovery housing residence or the meaning of 1018
"residence" in section 5119.90 of the Revised Code, means a 1019
person's physical presence in a county with intent to remain 1020
there, except in either of the following circumstances: 1021

(i) If a person is receiving a mental health treatment 1022
service at a facility that includes nighttime sleeping 1023
accommodations, "residence" means that county in which the 1024
person maintained the person's primary place of residence at the 1025
time the person entered the facility; 1026

(ii) If a person is committed pursuant to section 2945.38, 1027
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 1028
"residence" means the county where the criminal charges were 1029
filed. 1030

(b) When the residence of a person is disputed, the matter 1031
of residence shall be referred to the department of mental 1032
health and addiction services for investigation and 1033
determination. Residence shall not be a basis for a board of 1034
alcohol, drug addiction, and mental health services to deny 1035
services to any person present in the board's service district, 1036
and the board shall provide services for a person whose 1037
residence is in dispute while residence is being determined and 1038
for a person in an emergency situation. 1039

(B) Any reference in this chapter to a board of alcohol, 1040
drug addiction, and mental health services also refers to an 1041
alcohol and drug addiction services board or a community mental 1042

health board in a service district in which an alcohol and drug 1043
addiction services board or a community mental health board has 1044
been established under section 340.021 or former section 340.02 1045
of the Revised Code. 1046

Sec. 5119.36. (A) A community mental health services 1047
provider applicant or community addiction services provider 1048
applicant that seeks initial certification of its certifiable 1049
services and supports, or renewal of the certification of those 1050
services and supports, shall submit an application to the 1051
director of mental health and addiction services. On receipt of 1052
the application, the director may conduct an on-site review and 1053
shall evaluate the applicant to determine whether its 1054
certifiable services and supports satisfy the standards 1055
established by rules adopted under this section. The director 1056
shall make the evaluation, and, if the director conducts an on- 1057
site review of the applicant, may make—conduct the review, in 1058
cooperation with a board of alcohol, drug addiction, and mental 1059
health services that seeks to contract with the applicant under 1060
section 340.036 of the Revised Code. 1061

Not later than fourteen days after receipt of an initial 1062
or renewal application, the director shall provide a copy of the 1063
applicant's application materials to the board of alcohol, drug 1064
addiction, and mental health services serving the alcohol, drug 1065
addiction, and mental health service district in which the 1066
applicant's certifiable services and supports will be provided. 1067
The board may respond to the director with any additional 1068
information or concerns regarding the application, not later 1069
than thirty days after receipt of the application materials. If 1070
the board responds within the fourteen-day period with 1071
significant concerns regarding the application, the director 1072
shall meet with the board regarding the concerns. 1073

Not later than thirty days after a provider's 1074
certification ceases to be valid for any reason, including the 1075
provider's failure to renew the certification before it expired, 1076
the director's acceptance of the provider's surrender of the 1077
certification, or the issuance of a final order for disciplinary 1078
action under division (C) or (H) of this section, the director 1079
shall provide notice to the applicable board of alcohol, drug 1080
addiction, and mental health services of the reason the 1081
certification ceased to be valid and the date it became 1082
effective. 1083

(B) Subject to section 5119.361 of the Revised Code, the 1084
director shall determine whether the certifiable services and 1085
supports of a community mental health services provider 1086
applicant or community addiction services provider applicant 1087
satisfy the standards for certification. If the director 1088
determines that an applicant's certifiable services and supports 1089
satisfy the standards for certification and the applicant has 1090
paid the fee required by this section, the director shall 1091
certify the certifiable services and supports. 1092

No community mental health services provider shall be 1093
eligible to receive for its certifiable services and supports 1094
any state funds, federal funds, or funds administered by a board 1095
of alcohol, drug addiction, and mental health services, unless 1096
those certifiable services and supports have been certified by 1097
the director. 1098

No person or government entity subject to section 5119.35 1099
of the Revised Code or any other community addiction services 1100
provider shall be eligible to receive for its services described 1101
in that section or its other certifiable services and supports 1102
any state funds, federal funds, or funds administered by a board 1103

of alcohol, drug addiction, and mental health services, unless 1104
those services or other certifiable services and supports have 1105
been certified by the director. 1106

(C) The director may refuse to certify certifiable 1107
services and supports, refuse to renew certification, or revoke 1108
certification if any of the following apply to an applicant for 1109
certification or the holder of the certification: 1110

(1) The applicant or holder is not in compliance with 1111
rules adopted under this section. 1112

(2) The applicant or holder has been cited for a pattern 1113
of serious noncompliance or repeated violations of statutes or 1114
rules during the current certification period or any previous 1115
certification period. 1116

(3) The applicant or holder has been found to be in 1117
violation of section 5119.396 of the Revised Code. 1118

(4) The applicant or holder submits false or misleading 1119
information as part of a certification application, renewal, or 1120
investigation. 1121

(D) Proceedings initiated to deny applications to certify 1122
certifiable services and supports, to refuse to renew 1123
certification, or to revoke certification are governed by 1124
Chapter 119. of the Revised Code. If an order has been issued 1125
suspending admissions to a community addiction services provider 1126
that provides overnight accommodations, as provided in division 1127
(H) of this section, the order remains in effect during the 1128
pendency of those proceedings. 1129

(E) If the director ~~determines that a community mental~~ 1130
~~health services provider applicant's or a community addiction~~ 1131
~~services provider applicant's certifiable services and supports~~ 1132

~~do not satisfy the standards for certification~~proposes to take 1133
action under division (C) of this section, the director shall 1134
notify the board of alcohol, drug addiction, and mental health 1135
services serving the alcohol, drug addiction, and mental health 1136
service district in which the certifiable services and supports 1137
will be or were provided, and provide the board opportunity to 1138
respond as specified in division (A) of this section with 1139
respect to initial or renewal applications. 1140

When a final order is issued by the director under 1141
division (C) of this section, the director may request that the 1142
appropriate board of alcohol, drug addiction, and mental health 1143
services reallocate any funds for the certifiable services and 1144
supports the applicant was to provide to another community 1145
mental health services provider or community addiction services 1146
provider whose certifiable services and supports satisfy the 1147
standards. If the board does not reallocate such funds in a 1148
reasonable period of time, the director may withhold state and 1149
federal funds for the certifiable services and supports and 1150
allocate those funds directly to a community mental health 1151
services provider or community addiction services provider whose 1152
certifiable services and supports satisfy the standards. 1153

(F) Each community mental health services provider 1154
applicant or community addiction services provider applicant 1155
seeking certification of its certifiable services and supports 1156
under this section shall pay a fee for the certification 1157
required by this section, unless the applicant is exempt under 1158
rules adopted under this section. Fees shall be paid into the 1159
state treasury to the credit of the sale of goods and services 1160
fund created pursuant to section 5119.45 of the Revised Code. 1161

(G) The director shall adopt rules in accordance with 1162

Chapter 119. of the Revised Code to implement this section. The 1163
rules shall do all of the following: 1164

(1) Subject to section 340.034 of the Revised Code, 1165
specify the types of recovery supports that are required to be 1166
certified under this section; 1167

(2) Establish certification standards for certifiable 1168
services and supports that are consistent with nationally 1169
recognized applicable standards and facilitate participation in 1170
federal assistance programs. The rules shall include as 1171
certification standards only requirements that improve the 1172
quality of certifiable services and supports or the health and 1173
safety of persons receiving certifiable services and supports. 1174
The standards shall address at a minimum all of the following: 1175

(a) Reporting major unusual incidents to the director; 1176

(b) Procedures for applicants for and persons receiving 1177
certifiable services and supports to file grievances and 1178
complaints; 1179

(c) Seclusion; 1180

(d) Restraint; 1181

(e) Requirements regarding the physical facilities in 1182
which certifiable services and supports are provided; 1183

(f) Requirements with regard to health, safety, adequacy, 1184
and cultural specificity and sensitivity; 1185

(g) Standards for evaluating certifiable services and 1186
supports; 1187

(h) Standards and procedures for granting full, 1188
probationary, and interim certification of the certifiable 1189

services and supports of a community mental health services 1190
provider applicant or community addiction services provider 1191
applicant; 1192

(i) Standards and procedures for revoking the 1193
certification of a community mental health services provider's 1194
or community addiction services provider's certifiable services 1195
and supports that do not continue to meet the minimum standards 1196
established pursuant to this section; 1197

(j) The limitations to be placed on a provider whose 1198
certifiable services and supports are granted probationary or 1199
interim certification; 1200

(k) Development of written policies addressing the rights 1201
of persons receiving certifiable services and supports, 1202
including all of the following: 1203

(i) The right to a copy of the written policies addressing 1204
the rights of persons receiving certifiable services and 1205
supports; 1206

(ii) The right at all times to be treated with 1207
consideration and respect for the person's privacy and dignity; 1208

(iii) The right to have access to the person's own 1209
psychiatric, medical, or other treatment records unless access 1210
is specifically restricted in the person's treatment plan for 1211
clear treatment reasons; 1212

(iv) The right to have a client rights officer provided by 1213
the provider or board of alcohol, drug addiction, and mental 1214
health services advise the person of the person's rights, 1215
including the person's rights under Chapter 5122. of the Revised 1216
Code if the person is committed to the provider or board. 1217

(3) Establish the process for certification of certifiable services and supports; 1218
1219

(4) Set the amount of certification review fees; 1220

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 1221
1222

(H) (1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 1223
1224
1225
1226

(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 1227
1228

(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 1229
1230
1231

(2) (a) Except as provided in division (H) (2) (b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 1232
1233
1234
1235

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected. 1236
1237
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(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The provider may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five

days after the report is filed with the department. 1274

(f) Not later than five days after receiving the report 1275
and recommendations, the provider may file objections with the 1276
department. 1277

(g) Not later than fifteen days after the hearing examiner 1278
files the report and recommendations, the department shall issue 1279
an order approving, modifying, or disapproving the report and 1280
recommendations. 1281

(h) Notwithstanding the pendency of the hearing, the 1282
department shall lift the order for the suspension of admissions 1283
if the department determines the violation that formed the basis 1284
for the order has been corrected. 1285

(I) (1) In a proceeding initiated to suspend admissions to 1286
a community addiction services provider that provides overnight 1287
accommodations, to deny an application for certification of 1288
certifiable services and supports, to refuse to renew 1289
certification, or to revoke certification, the department may 1290
order the suspension, denial, refusal, or revocation regardless 1291
of whether some or all of the deficiencies that prompted the 1292
proceedings have been corrected at the time of the hearing. 1293

(2) When the department issues an order suspending 1294
admissions to a community addiction services provider that 1295
provides overnight accommodations, denies an application for 1296
certification of certifiable services and supports, refuses to 1297
renew certification, or revokes a certification, the department 1298
shall not grant an opportunity for submitting a plan of 1299
correction. 1300

(J) The department of mental health and addiction services 1301
shall maintain a current list of community addiction services 1302

providers and shall provide a copy of the list to a judge of a 1303
court of common pleas who requests a copy for the use of the 1304
judge under division (H) of section 2925.03 of the Revised Code. 1305
The list shall identify each provider by its name, its address, 1306
and the county in which it is located. 1307

(K) No person shall represent in any manner that a 1308
community mental health services provider's or community 1309
addiction services provider's certifiable services and supports 1310
are certified by the director if the certifiable services and 1311
supports are not so certified at the time the representation is 1312
made. 1313

(L) If a board of alcohol, drug addiction, and mental 1314
health services requests the department of mental health and 1315
addiction services to investigate a community mental health 1316
services provider or community addiction services provider 1317
pursuant to this section, the department shall initiate the 1318
investigation not later than ten business days after receipt of 1319
the request. If the department initiates an investigation of a 1320
community mental health services provider or community addiction 1321
services provider under this section for any other reason, the 1322
department shall notify the board of alcohol, drug addiction, 1323
and mental health services serving the applicable alcohol, drug 1324
addiction, and mental health service district of the 1325
investigation and the reason not later than three business days 1326
after the initiation. In either event, the department shall keep 1327
the board updated on the status of the investigation, including 1328
any final disposition of the investigation. 1329

Sec. 5119.363. The director of mental health and addiction 1330
services shall adopt rules governing ~~the duties of boards of~~ 1331
~~alcohol, drug addiction, and mental health services under~~ 1332

~~section 340.20 of the Revised Code and the duties of community~~ 1333
~~addiction services providers under section 5119.362 of the~~ 1334
~~Revised Code. The rules shall be adopted in accordance with~~ 1335
~~Chapter 119. of the Revised Code.~~ 1336

The director shall adopt rules under this section that 1337
authorize the department of mental health and addiction services 1338
to determine an advanced practice registered nurse's, physician 1339
assistant's, or physician's compliance with section 3719.064 of 1340
the Revised Code if such practitioner works for a community 1341
addiction services provider. 1342

Sec. 5119.39. (A) The department of mental health and 1343
addiction services shall monitor the operation of recovery 1344
housing in this state by doing either of the following: 1345

(1) Certifying recovery housing residences through a 1346
process established by the department; 1347

(2) Accepting accreditation, or its equivalent for the 1348
service of recovery housing, from one or more of the following: 1349

(a) The Ohio affiliate of the national alliance for 1350
recovery residences; 1351

(b) Oxford house, inc.; 1352

(c) Any other organization that is designated by the 1353
department for purposes of this section. 1354

(B) If the department certifies recovery housing 1355
residences, the department shall, in rules adopted under section 1356
5119.397 of the Revised Code, establish requirements for initial 1357
certification and renewal certification, as well as grounds and 1358
procedures for disciplinary action against operators of recovery 1359
housing residences. 1360

Sec. 5119.391. (A) The department of mental health and 1361
addiction services shall monitor the establishment of recovery 1362
housing residences in this state. 1363

(B) For purposes of division (A) of this section, and 1364
within the timeframe specified in division (C) of this section, 1365
each person or government entity that will operate a recovery 1366
housing residence on or after the effective date of this 1367
section, including any recovery housing that was established and 1368
in operation prior to the effective date of this section, shall 1369
file with the department, on a form prescribed by the 1370
department, all of the following information: 1371

(1) The name of the recovery housing residence and any 1372
other name under which the residence does business; 1373

(2) The address of the recovery housing residence; 1374

(3) The name of the person or government entity operating 1375
the residence; 1376

(4) The primary telephone number and electronic mail 1377
address for the recovery housing operator; 1378

(5) The date the recovery housing residence was first 1379
occupied, or will be occupied, by its first resident; 1380

(6) Information related to any existing accreditation or 1381
its equivalent that the recovery housing residence has obtained 1382
or is in the process of obtaining; 1383

(7) Any other information the department considers 1384
appropriate. 1385

(C) The form required by division (B) of this section 1386
shall be filed with the department as follows: 1387

(1) For a recovery housing residence that began operating 1388
before the effective date of this section, not later than thirty 1389
days after the effective date of this section; 1390

(2) For a recovery housing residence that will begin 1391
operating on or after the effective date of this section, not 1392
later than thirty days after the first resident begins occupying 1393
the residence. 1394

(D) If the department accepts accreditation or its 1395
equivalent from an organization specified in section 5119.39 of 1396
the Revised Code, the department may provide copies of forms 1397
filed in accordance with this section to any such organization. 1398

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 1399
government entity shall operate a recovery housing residence 1400
unless either of the following applies: 1401

(1) (a) If the department of mental health and addiction 1402
services certifies recovery housing residences, the recovery 1403
housing residence is certified by the department. 1404

(b) If the department accepts accreditation or its 1405
equivalent from an organization specified in section 5119.39 of 1406
the Revised Code, the residence is accredited by such an 1407
organization. 1408

(2) The recovery housing residence has been operating for 1409
not more than eighteen months and is actively engaged in efforts 1410
to obtain certification or accreditation, as applicable. For 1411
purposes of identifying this eighteen-month timeframe, a 1412
recovery housing residence is considered to begin operating on 1413
the date that the first resident occupies the residence, as 1414
specified on the form filed in accordance with section 5119.391 1415
of the Revised Code. 1416

(B) If the director of mental health and addiction 1417
services determines that a recovery housing residence is 1418
operating in violation of this section, the director may 1419
petition the court of common pleas of the county in which the 1420
recovery housing residence is located for an order enjoining 1421
operation of the recovery housing residence. 1422

Sec. 5119.393. (A) The department of mental health and 1423
addiction services shall establish a procedure to receive and 1424
investigate complaints from residents, staff, and the public 1425
regarding recovery housing residences. The department may 1426
contract with one or more of the organizations specified in 1427
section 5119.39 of the Revised Code to fulfill some or all of 1428
the functions associated with receiving and investigating 1429
complaints. 1430

(B) Any organization under contract with the department to 1431
receive and investigate complaints shall make reports to the 1432
department as follows: 1433

(1) Not less than monthly, the contractor shall report the 1434
status of each pending investigation and shall report the 1435
outcome of each investigation that has been completed since the 1436
last report was made; 1437

(2) As soon as practicable, but not less than ten days 1438
after making an adverse decision, if a contractor's 1439
accreditation or its equivalent is accepted by the department 1440
for purposes of section 5119.39 of the Revised Code, the 1441
contractor shall report that decision to the department in a 1442
manner prescribed by the department. 1443

Sec. 5119.394. (A) The department of mental health and 1444
addiction services shall establish and maintain a registry of 1445

recovery housing residences that meet the criteria described in 1446
division (A) (1) or (2) of section 5119.392 of the Revised Code. 1447
For each residence, the registry shall include all of the 1448
following: 1449

(1) Information on the form required by division (B) of 1450
section 5119.391 of the Revised Code; 1451

(2) If a complaint received under section 5119.393 of the 1452
Revised Code has been investigated, a description of the 1453
complaint, the date the complaint was submitted to the 1454
department or its contractor, and the outcome of the 1455
investigation; 1456

(3) Any other information the department considers 1457
appropriate. 1458

(B) The department shall immediately remove from the 1459
registry a recovery housing residence that ceases to meet the 1460
criteria described in division (A) (1) or (2) of section 5119.392 1461
of the Revised Code, including if the criteria described in 1462
those divisions ceases to be met because the residence has had 1463
its certification or accreditation, as applicable, revoked or 1464
not renewed. 1465

(C) The department shall make the registry available to 1466
the public on the department's web site. 1467

Sec. 5119.395. Beginning January 1, 2025, no person or 1468
government entity shall advertise or represent any residence or 1469
other building to be a recovery housing residence, sober living 1470
home, or any other alcohol and drug free housing for persons 1471
recovering from alcohol use disorder or drug addiction unless 1472
the residence or building meets either of the following 1473
conditions: 1474

(A) The residence or building is on the registry 1475
established and maintained under section 5119.394 of the Revised 1476
Code. 1477

(B) The residence or building is regulated by the 1478
department of rehabilitation and correction under section 1479
2967.14 of the Revised Code. 1480

Sec. 5119.396. Beginning January 1, 2025, community 1481
addiction services providers and community mental health 1482
services providers shall not refer clients to a recovery housing 1483
residence unless the residence is on the registry established 1484
and maintained under section 5119.394 of the Revised Code on the 1485
date that the referral is made. Community addiction services 1486
providers and community mental health services providers shall 1487
maintain records of all referrals made to recovery housing 1488
residences. 1489

Sec. 5119.397. The director of mental health and addiction 1490
services may adopt rules to implement sections 5119.39 to 1491
5119.396 of the Revised Code. Any rules adopted under this 1492
section shall be adopted in accordance with Chapter 119. of the 1493
Revised Code. 1494

Sec. 5119.48. (A) The department of mental health and 1495
addiction services shall create the all roads lead to home 1496
program. The program shall include all of the following 1497
initiatives: 1498

(1) A media campaign. As part of the campaign, the 1499
department shall develop public service announcements and shall 1500
make the announcements available to television and radio media 1501
outlets. The announcements shall be made available beginning on 1502
January 1, 2018, and at least twice annually, once between 1503

January and March of each year, and once in September of each 1504
year as part of national recovery month. 1505

(2) A web site as described in division (C) of this 1506
section; 1507

(3) A twenty-four-hour hotline, that is operated by a call 1508
center, for the purpose of helping individuals access addiction 1509
services. 1510

(B) The media campaign described in division (A) (1) of 1511
this section shall do all of the following: 1512

(1) Include messages to reduce the stigma associated with 1513
seeking help for drug addiction; 1514

(2) Provide directions for people who are in need of drug 1515
addiction assistance to a web-based location that includes all 1516
of the following: 1517

(a) Information on where to find help for drug addiction; 1518

(b) Information on intervention and referral options; 1519

(c) Contact information for county board drug addiction 1520
assistance authorities. 1521

(3) Prioritize its efforts in media markets that have the 1522
highest rates of drug overdose deaths in this state; 1523

(4) Utilize television and radio public service 1524
announcements provided to media outlets, as well as internet 1525
advertising models such as low-cost social media outlets. 1526

(C) Before January 1, 2018, the department shall create a 1527
web site as described in division (A) (2) of this section that 1528
offers all of the following components: 1529

(1) If reasonably available for use, an evidence-based 1530

self-reporting screening tool approved by the department's 1531
medical director; 1532

(2) Community detoxification and withdrawal management 1533
options and community treatment options; 1534

(3) A searchable database of certified substance abuse 1535
providers organized by zip code; 1536

(4) Information on recovery supports, including recovery 1537
housing residences; 1538

(5) Clinical information regarding what a person may 1539
expect during detoxification, withdrawal, and treatment. 1540

(D) The department may contract with private vendors for 1541
the creation and maintenance of the interactive web site 1542
described in division (C) of this section. 1543

Sec. 5119.61. (A) The department of mental health and 1544
addiction services shall collect and compile statistics and 1545
other information on the care and treatment of persons with 1546
mental disabilities, and the care, treatment, and rehabilitation 1547
of persons with ~~alcoholism~~ alcohol use disorder, persons with 1548
drug dependencies, persons in danger of drug dependence, and 1549
persons with or in danger of developing a gambling addiction in 1550
this state. The information shall include, without limitation, 1551
information on the number of such persons, the type of drug 1552
involved, if any, the type of care, treatment, or rehabilitation 1553
prescribed or undertaken, and the success or failure of the 1554
care, treatment, or rehabilitation. The department shall collect 1555
information about addiction services, mental health services, 1556
and recovery supports delivered and persons served as required 1557
for reporting and evaluation relating to state and federal funds 1558
expended for such purposes. 1559

(B) No community addiction services provider or community 1560
mental health services provider shall fail to supply statistics 1561
and other information within its knowledge and with respect to 1562
its addiction services, mental health services, and recovery 1563
supports upon request of the department. 1564

(C) Communications by a person seeking aid in good faith 1565
for ~~alcoholism~~ alcohol use disorder or drug dependence are 1566
confidential, and this section does not require the collection 1567
or permit the disclosure of information which reveals or 1568
comprises the identity of any person seeking aid. 1569

(D) Based on the information collected and compiled under 1570
division (A) of this section, the department shall develop a 1571
project to assess the outcomes of persons served by community 1572
addiction services providers and community mental health 1573
services providers that receive funds distributed by the 1574
department. 1575

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 1576
the Revised Code: 1577

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ 1578
alcohol use disorder or drug addiction. 1579

(B) "Another drug" means a controlled substance as defined 1580
in section 3719.01 of the Revised Code or a harmful intoxicant 1581
as defined in section 2925.01 of the Revised Code. 1582

(C) "Board of alcohol, drug addiction, and mental health 1583
services" means a board of alcohol, drug addiction, and mental 1584
health services established under section 340.02 or 340.021 of 1585
the Revised Code. 1586

(D) "Danger" or "threat of danger to self, family, or 1587
others" means substantial physical harm or threat of substantial 1588

physical harm upon self, family, or others. 1589

(E) "Hospital" has the same meaning as in section 3701.01 1590
or 3727.01 of the Revised Code but does not include either a 1591
hospital operated by the department of mental health and 1592
addiction services or an inpatient unit licensed by the 1593
department. 1594

(F) "Intoxicated" means being under the influence of 1595
alcohol, another drug, or both alcohol and another drug and, as 1596
a result, having a significantly impaired ability to function. 1597

(G) "Petitioner" means a person who institutes a 1598
proceeding under sections 5119.91 to 5119.98 of the Revised 1599
Code. 1600

(H) "Probate court" means the probate division of the 1601
court of common pleas. 1602

(I) "Qualified health professional" means a person that is 1603
properly credentialed or licensed to conduct a drug and alcohol 1604
assessment and diagnosis under Ohio law. 1605

(J) "Residence" means the legal residence of a person as 1606
determined by applicable principles governing conflicts of law. 1607

(K) "Respondent" means a person alleged in a petition 1608
filed or hearing under sections 5119.91 to 5119.98 of the 1609
Revised Code to be a person who is experiencing alcohol and 1610
other drug abuse and who may be ordered under those sections to 1611
undergo treatment. 1612

(L) "Treatment" means services and programs for the care 1613
and rehabilitation of intoxicated persons and persons 1614
experiencing alcohol and other drug abuse. "Treatment" includes 1615
residential treatment, a halfway house setting, and an intensive 1616

outpatient or outpatient level of care. 1617

Sec. 5119.99. (A) Whoever violates section 5119.333, __ 1618
division (A) of section 5119.392, or section 5119.395 of the 1619
Revised Code is guilty of a misdemeanor of the first degree. 1620

(B) Whoever violates division (B) of section 5119.61 of 1621
the Revised Code is guilty of a misdemeanor of the fourth 1622
degree. 1623

(C) Whoever violates section 5119.27 or 5119.28, division 1624
(A) of section 5119.35, division (K) of section 5119.36, or 1625
division (A) (1) or (2) of section 5119.37 of the Revised Code is 1626
guilty of a felony of the fifth degree. 1627

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 1628
of the Revised Code, "information" means all of the following: 1629

(1) Records, as defined in section 149.011 of the Revised 1630
Code; 1631

(2) Any other documents in any format; 1632

(3) Data derived from records and documents that are 1633
generated, acquired, or maintained by the department of 1634
medicaid, a county department of job and family services, or an 1635
entity performing duties on behalf of the department or a county 1636
department. 1637

(B) Except as permitted by this section, division (B) of 1638
section 340.035, section 5160.47, or rules authorized by section 1639
5160.48 or 5160.481 of the Revised Code, or when required by 1640
federal law, no person or government entity shall use or 1641
disclose information regarding a medical assistance recipient 1642
for any purpose not directly connected with the administration 1643
of a medical assistance program. 1644

(C) Both of the following shall be considered to be 1645
purposes directly connected with the administration of a medical 1646
assistance program: 1647

(1) Treatment, payment, or other operations or activities 1648
authorized by 42 C.F.R. Chapter IV; 1649

(2) Any administrative function or duty the department of 1650
medicaid performs alone or jointly with a federal government 1651
entity, another state government entity, or a local government 1652
entity implementing a provision of federal law. 1653

(D) The department or a county department of job and 1654
family services may disclose information regarding a medical 1655
assistance recipient to any of the following: 1656

(1) The recipient or the recipient's authorized 1657
representative; 1658

(2) The recipient's legal guardian in accordance with 1659
division (C) of section 2111.13 of the Revised Code; 1660

(3) The attorney of the recipient, if the department or 1661
county department has obtained authorization from the recipient 1662
or the recipient's authorized representative or legal guardian 1663
that meets all requirements of the Health Insurance Portability 1664
and Accountability Act of 1996, 42 U.S.C. 1320d et seq., 1665
regulations promulgated by the United States department of 1666
health and human services to implement the act, section 5160.46 1667
of the Revised Code, and any rules authorized by section 5160.48 1668
of the Revised Code; 1669

(4) A health information or health records management 1670
entity that has executed with the department a business 1671
associate agreement required by 45 C.F.R 164.502(e) (2) and has 1672
been authorized by the recipient or the recipient's authorized 1673

representative or legal guardian to receive the recipient's 1674
electronic health records in accordance with rules authorized by 1675
section 5160.48 of the Revised Code; 1676

(5) A court if pursuant to a written order of the court. 1677

(E) The department may receive from county departments of 1678
job and family services information regarding any medical 1679
assistance recipient for purposes of training and verifying the 1680
accuracy of eligibility determinations for a medical assistance 1681
program. The department may assemble information received under 1682
this division into a report if the report is in a form specified 1683
by the department. Information received and assembled into a 1684
report under this division shall remain confidential and not be 1685
subject to disclosure pursuant to section 149.43 or 1347.08 of 1686
the Revised Code. 1687

(F) The department shall notify courts in this state 1688
regarding its authority, under division (D) (5) of this section, 1689
to disclose information regarding a medical assistance recipient 1690
pursuant to a written court order. 1691

Section 2. That existing sections 340.01, 340.02, 340.022, 1692
340.03, 340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 1693
340.30, 5119.01, 5119.36, 5119.363, 5119.48, 5119.61, 5119.90, 1694
5119.99, and 5160.45 of the Revised Code are hereby repealed. 1695

Section 3. That sections 340.20 and 3720.041 of the 1696
Revised Code are hereby repealed. 1697

Section 4. Section 340.036 of the Revised Code, as amended 1698
by this act, applies to contracts entered into, modified, or 1699
renewed on or after the effective date of this section. 1700