

## COLLABORATIONS

*“We will surely get to our destination if we join hands.”*

*-Aung San Suu Kyi*

The sections of the Ohio Revised Code governing the behavioral health system contain numerous requirements for Boards to engage in collaborative efforts with other entities.

Chapter 340 requires ADAMH, CMH, and ADAS Boards, as well as the Executive Directors of those Boards, to work in conjunction with other organizations in order to fulfill some of their statutory mandates.

§ 340.03 (A) “... the board of alcohol, drug addiction, and mental health services shall:  
(1)(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;”

(11) “Establish, to the extent resources are available, a community support system, which provides for treatment, support, and rehabilitation services and opportunities.”

§340.033 Duties of board as planning agency for alcohol and drug addiction services:  
(2) “... set priorities and develop plans for the operation of alcohol and drug addiction programs in cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations;”

§ 340.04 “...the executive director of a board of alcohol, drug addiction, and mental health services shall:  
(C) Provide consultation to agencies, associations, or individuals providing services supported by the board.”

In addition to these general references to collaboration, Ohio law requires Boards to participate in certain statutorily created entities comprised of representatives from other key organizations and agencies in the community. There are also permissible collaborations referenced in Ohio law, some of which, if the Board chooses to engage in them, must be conducted in accordance with a structure and process defined in law.

### **Required Service Planning Consultation for PCSA Recipients**

When setting priorities and developing plans for alcohol and drug addiction services provided to public children services agency recipients, the Board is required to consult with the county commissioners of the counties in the Board’s service district. The plans are required to identify

funding that the Board and the local public children services agencies in the Board's service district have available to fund those services jointly.

### **Family and Children First Councils**

Participation in Family and Children First Councils is a mandatory requirement for Board Directors. Section 121.37 of the Revised Code requires each Board of County Commissioners in Ohio to establish a county Family and Children First Council. The Director of the ADAMH Board serving the county, or both Directors in the case of a county with a separate CMH and ADAS Board, are required to be members of the county's Family and Children First Council. For a multi-county ADAMH Board, the Director may designate a person to participate on each of its county's councils.

Two or more county Family and Children First Councils may enter into an agreement to administer their county councils jointly by creating a regional Family and Children First Council. A regional council has the same duties and authorities as a county council.

Family and Children First Councils are required to provide for the following:

- Referrals to the Cabinet Council of those children for whom the county council cannot provide adequate services.
- Development and implementation of a process that annually evaluates and prioritizes services, fills service gaps where possible, and invents new approaches to achieve better results for families and children.
- Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the Department of Health for early intervention services under the "Education of the Handicapped Act Amendments of 1986."
- Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children.
- Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

Pursuant to Ohio law, each county council must designate an administrative agent for the council from among a list of entities allowed to fulfill that role. ADAMH, CMH, and ADAS Boards are listed as permissible entities. The administrative agent's duties include serving as the council's appointing authority for any employees, ensuring appropriate expenditures are being made, entering into agreements or administering contracts with public or private entities in order to fulfill specific council business, and handling other administrative business of the council as permitted in Section 121.37 of the Ohio Revised Code.

### **Child Fatality Review Boards**

Board Directors are also required to be represented on Child Fatality Review Boards. Pursuant to Section 307.621 of the Revised Code, a Child Fatality Review Board must be established in

every county to review the deaths of children under eighteen years of age. The Boards of County Commissioners of two or more counties may instead decide to create a regional board to serve all participating counties. Board membership is required to include the Executive Director of an ADAMH Board or his/her designee.

Pursuant to Section 307.623 of the Revised Code, the purpose of the Child Fatality Review Board is to decrease the incidence of preventable child deaths by doing all of the following:

- Promoting cooperation, collaboration and communication among all groups, professions, agencies or entities that serve families and children;
- Maintaining a comprehensive database of all child deaths that occur in the county or region served by the child fatality review board in order to develop an understanding of the causes and incidence of those deaths;
- Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths;
- Advising the Department of Health of aggregate data, trends and patterns concerning child deaths.

By April 1<sup>st</sup> of each year, every Child Fatality Review Board must submit a report to the Ohio Department of Health with details about each child death that was reviewed by the Board during the previous calendar year.

### **Councils of Governance**

Councils of Governance are permissible collaborations under Ohio law with requirements that must be followed around their structure and operations. Pursuant to ORC Chapter 167, the governing bodies of any two political subdivisions may enter into an agreement with each other to establish a regional council consisting of such political subdivisions called a Council of Governance (COG).

Councils of Governance have the power to:

- Study such area governmental problems common to two or more members of the council as it deems appropriate, including matters affecting health, safety, welfare, education, economic conditions, and regional development;
- Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;
- Make recommendations for review and action to the members and other public agencies that perform functions within the region;
- Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations or agencies; and
- Perform planning directly by personnel of the council, or through contracts between the council and other public or private planning agencies.

COGs may also employ staff, contract for the services of consultants and experts, and purchase or lease the supplies, equipment and facilities they deem necessary and appropriate in the manner. Other permissible activities of COGs may be found in Ohio Revised Code Chapter 167.

### **Other Permissible Collaborations**

Aside from the statutorily created entities described above, some Boards rely on their statutory authority to collaborate to form consortiums, hubs, and collaboratives with other Boards in order to accomplish the common goals of the member Boards.

Board Directors or their representatives also often participate in local collaborations such as County Children's Services Boards, County Corrections Planning Boards, Rehabilitation Services Commissions, Diversion Programs, disaster planning groups and school-related entities.

See the "COGs and Consortiums" section of OACBHA's website – [www.oacbha.org](http://www.oacbha.org) - for a listing of current Board COGs, consortiums, hubs, and collaboratives.

### **Additional Considerations**

New Executive Directors should be aware that the participation of some Directors on Child Fatality Review Boards have been problematic in regards to disclosures of information pertaining to individuals who have received alcohol and drug addiction services. Although Directors are permitted under HIPAA and Ohio law to make disclosures to the Board about individuals receiving mental health and alcohol and drug addiction services, 42 CFR Part 2, the Federal Drug and Alcohol Confidentiality law, prohibits Directors from making disclosures which involve recipients of drug and alcohol services. This has created a conflict for some Directors serving on Child Fatality Review Boards.