

reported to the commissioner. Such changes shall be reported to 13714
the commissioner on the first abstract of real property filed with 13715
the commissioner under section 5715.23 of the Revised Code 13716
following the date on which the complaint is finally determined by 13717
the board of revision or by a court or other authority with 13718
jurisdiction on appeal. The tax commissioner shall account for 13719
such changes in making the determinations only for the tax year in 13720
which the change in valuation is reported. Such a valuation change 13721
shall not be used to recompute the percentages determined under 13722
division (D) (1) of this section for any prior tax year. 13723

Sec. 340.01. (A) As used in this chapter, ~~"alcohol;~~ 13724

"Alcohol and drug addiction services" and "alcohol and drug 13725
addiction programs" have the same meanings as in section 3793.01 13726
of the Revised Code. 13727

"Alcohol, drug addiction, and mental health service district" 13728
or "district" means the county or counties included in the 13729
jurisdiction served by a board of alcohol, drug addiction, and 13730
mental health services. 13731

"Community mental health agency" means an agency that 13732
provides community mental health services that are certified by 13733
the director of mental health under section 5119.611 of the 13734
Revised Code. 13735

"Community mental health program" means a program of 13736
community mental health services implemented by a board of 13737
alcohol, drug addiction, and mental health services under division 13738
(A) (2) of section 340.03 of the Revised Code. 13739

"Community mental health services" means any of the services 13740
listed in section 340.09 of the Revised Code. 13741

"Joint-county district" means an alcohol, drug addiction, and 13742
mental health service district comprised of two or more counties. 13743

(B) An alcohol, drug addiction, and mental health service 13744
district shall be established in any county or combination of 13745
counties having a population of at least fifty thousand to provide 13746
alcohol and drug addiction services and mental health services. 13747
With the approval of the directors of mental health and alcohol 13748
and drug addiction services, any county or combination of counties 13749
having a population of less than fifty thousand may establish such 13750
a district. ~~Districts comprising more than one county shall be~~ 13751
~~known as joint-county districts.~~ 13752

The board of county commissioners of any county participating 13753
in a joint-county district may submit a resolution requesting 13754
withdrawal from the district ~~together with a comprehensive plan or~~ 13755
~~plans that are in compliance with rules adopted by the director of~~ 13756
~~mental health under section 5119.61 of the Revised Code and rules~~ 13757
~~adopted by the department of alcohol and drug addiction services~~ 13758
~~under section 3793.05 of the Revised Code, and that. The~~ 13759
resolution shall provide for the equitable adjustment and division 13760
of all services, assets, property, debts, and obligations, if any, 13761
of the joint-county district to the board of alcohol, drug 13762
addiction, and mental health services, to the boards of county 13763
commissioners of each county in the district, and to the directors 13764
of mental health and alcohol and drug addiction services. No 13765
county participating in a joint-county service district may 13766
withdraw from the district without the consent of the directors of 13767
mental health and alcohol and drug addiction services nor earlier 13768
than one year after the submission of such resolution unless all 13769
of the participating counties agree to an earlier withdrawal. Any 13770
county withdrawing from a joint-county district shall continue to 13771
have levied against its tax list and duplicate any tax levied by 13772
the district during the period in which the county was a member of 13773
the district until such time as the levy expires or is renewed or 13774
replaced. 13775

Sec. 340.011. (A) This chapter shall be interpreted to	13776
accomplish all of the following:	13777
(1) Establish a unified system of treatment for mentally ill persons;	13778 13779
(2) Establish a community support system available for <u>the residents of</u> every alcohol, drug addiction, and mental health service district;	13780 13781 13782
(3) Protect the personal liberty of mentally ill persons so that they may be treated in the least restrictive environment;	13783 13784
(4) Encourage the development of high quality, cost effective, and comprehensive services, including culturally sensitive services;	13785 13786 13787
(5) Foster the development of comprehensive community mental health services, based on recognized local needs, especially for severely mentally disabled children, adolescents, and adults;	13788 13789 13790
(6) Ensure that services provided meet minimum standards established by the director of mental health or the department of alcohol and drug addiction services;	13791 13792 13793
(7) Promote the delivery of high quality and cost-effective alcohol and drug addiction services;	13794 13795
(8) Promote the participation of consumers of <u>community</u> mental health services and alcohol and drug addiction services in the planning, delivery, and evaluation of these services.	13796 13797 13798
(B) Nothing in Chapter 340., 3793., 5119., or 5122. of the Revised Code shall be construed as requiring a board of county commissioners to <u>do either of the following:</u>	13799 13800 13801
<u>(1) For the purpose of community mental health services,</u> provide resources beyond the total amount set forth in a community mental health plan, as developed and submitted under section	13802 13803 13804

~~340.03 of the Revised Code, to provide the services listed in 13805
section 340.09 of the Revised Code, and nothing in those chapters 13806
shall be construed as requiring a board of county commissioners to 13807
of both of the following: 13808~~

~~(a) The funds for community mental health services that the 13809
director of mental health allocates under section 5119.62 of the 13810
Revised Code, or any other provision of law, to the board of 13811
alcohol, drug addiction, and mental health services that serves 13812
the county that the board of county commissioners also serves; 13813~~

~~(b) The funds available to the board of county commissioners 13814
that are raised by a county tax levy for community mental health 13815
services. 13816~~

~~(2) For the purpose of alcohol and drug addiction services, 13817
provide resources beyond the total amount set forth in a plan for 13818
alcohol and drug addiction services, prepared and submitted in 13819
accordance with sections 340.033 and 3793.05 of the Revised Code, 13820
to provide alcohol and drug addiction services. 13821~~

Sec. 340.02. As used in this section, "mental health 13822
professional" means a person who is qualified to work with 13823
mentally ill persons, pursuant to standards established by the 13824
director of mental health under section 5119.611 of the Revised 13825
Code. 13826

For each alcohol, drug addiction, and mental health service 13827
district, there shall be appointed a board of alcohol, drug 13828
addiction, and mental health services of eighteen members. Nine 13829
members shall be interested in mental health programs and 13830
facilities and nine other members shall be interested in alcohol 13831
or drug addiction programs. All members shall be residents of the 13832
~~service~~ district. The membership shall, as nearly as possible, 13833
reflect the composition of the population of the ~~service~~ district 13834
as to race and sex. 13835

The director of mental health shall appoint four members of 13836
the board, the director of alcohol and drug addiction services 13837
shall appoint four members, and the board of county commissioners 13838
shall appoint ten members. In a joint-county district, the county 13839
commissioners of each participating county shall appoint members 13840
in as nearly as possible the same proportion as that county's 13841
population bears to the total population of the district, except 13842
that at least one member shall be appointed from each 13843
participating county. 13844

The director of mental health shall ensure that at least one 13845
member of the board is a psychiatrist and one member of the board 13846
is a mental health professional. If the appointment of a 13847
psychiatrist is not possible, as determined under rules adopted by 13848
the director, a licensed physician may be appointed in place of 13849
the psychiatrist. If the appointment of a licensed physician is 13850
not possible, the director of mental health may waive the 13851
requirement that the psychiatrist or licensed physician be a 13852
resident of the ~~service~~ district and appoint a psychiatrist or 13853
licensed physician from a contiguous county. The director of 13854
mental health shall ensure that at least one member of the board 13855
is a person who has received or is receiving mental health 13856
services paid for by public funds and at least one member is a 13857
parent or other relative of such a person. 13858

The director of alcohol and drug addiction services shall 13859
ensure that at least one member of the board is a professional in 13860
the field of alcohol or drug addiction services and one member of 13861
the board is an advocate for persons receiving treatment for 13862
alcohol or drug addiction. Of the members appointed by the 13863
director of alcohol and drug addiction services, at least one 13864
shall be a person who has received or is receiving services for 13865
alcohol or drug addiction, and at least one shall be a parent or 13866
other relative of such a person. 13867

~~No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of the board of any agency with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No member of a board of alcohol, drug addiction, and mental health services shall be an employee of any agency with which the board has entered into a contract for the provision of services or facilities. No person shall be an employee of a board and ~~such an~~ a community mental health agency or alcohol and drug addiction program with which the board has entered into a contract under division (B) (7) of section 340.03 of the Revised Code or division (A) (5) of section 340.033 of the Revised Code unless the board and agency or program both agree in writing.~~

~~No person shall serve as a member of the board of alcohol, drug addiction, and mental health services whose spouse, child, parent, brother, sister, grandchild, stepparent, stepchild, stepbrother, stepsister, father in law, mother in law, son in law, daughter in law, brother in law, or sister in law serves as a member of the board of any agency with which the board of alcohol, drug addiction, and mental health services has entered into a contract for the provision of services or facilities. No person shall serve as a member or employee of the board whose spouse, child, parent, brother, sister, stepparent, stepchild, stepbrother, stepsister, father in law, mother in law, son in law, daughter in law, brother in law, or sister in law serves as a county commissioner of a county or counties in the alcohol, drug addiction, and mental health service district.~~

Each year each board member shall attend at least one inservice training session provided or approved by the department of mental health or the department of alcohol and drug addiction services. Such training sessions shall not be considered to be

regularly scheduled meetings of the board. 13900

Each member shall be appointed for a term of four years, 13901
commencing the first day of July, except that one-third of initial 13902
appointments to a newly established board, and to the extent 13903
possible to expanded boards, shall be for terms of two years, 13904
one-third of initial appointments shall be for terms of three 13905
years, and one-third of initial appointments shall be for terms of 13906
four years. No member shall serve more than two consecutive 13907
four-year terms. A member may serve for three consecutive terms 13908
only if one of the terms is for less than two years. A member who 13909
has served two consecutive four-year terms or three consecutive 13910
terms totaling less than ten years is eligible for reappointment 13911
one year following the end of the second or third term, 13912
respectively. 13913

When a vacancy occurs, appointment for the expired or 13914
unexpired term shall be made in the same manner as an original 13915
appointment. The appointing authority shall be notified by 13916
certified mail of any vacancy and shall fill the vacancy within 13917
sixty days following that notice. 13918

Any member of the board may be removed from office by the 13919
appointing authority for neglect of duty, misconduct, or 13920
~~malfeasance in office, and shall be removed by the appointing~~ 13921
~~authority if the member's spouse, child, parent, brother, sister,~~ 13922
~~stepparent, stepchild, stepbrother, stepsister, father-in-law,~~ 13923
~~mother-in-law, son-in-law, daughter-in-law, brother-in-law, or~~ 13924
~~sister-in-law serves as a county commissioner of a county or~~ 13925
~~counties in the service district or serves as a member or employee~~ 13926
~~of the board of an agency with which the board of alcohol, drug~~ 13927
~~addiction, and mental health services has entered a contract for~~ 13928
~~the provision of services or facilities.~~ The member shall be 13929
informed in writing of the charges and afforded an opportunity for 13930
a hearing. Upon the absence of a member within one year from 13931

either four board meetings or from two board meetings without 13932
prior notice, the board shall notify the appointing authority, 13933
which may vacate the appointment and appoint another person to 13934
complete the member's term. 13935

Members of the board shall serve without compensation, but 13936
shall be reimbursed for actual and necessary expenses incurred in 13937
the performance of their official duties, as defined by rules of 13938
the departments of mental health and alcohol and drug addiction 13939
services. 13940

Sec. 340.03. (A) ~~Subject to rules issued by the director of~~ 13941
~~mental health after consultation with relevant constituencies as~~ 13942
~~required by division (A)(11) of section 5119.06 of the Revised~~ 13943
~~Code, with regard to mental health services, the Each board of~~ 13944
~~alcohol, drug addiction, and mental health services shall:~~ 13945

~~(1) Serve serve as the community mental health planning~~ 13946
~~agency for the county or counties under its jurisdiction board's~~ 13947
~~alcohol, drug addiction, and mental health service district, and~~ 13948
in so doing it shall: 13949

~~(a) Evaluate the need for facilities and community mental~~ 13950
~~health services;~~ 13951

~~(b) (1) In cooperation with other local and regional planning~~ 13952
~~and funding bodies and with relevant ethnic organizations, assess~~ 13953
~~the community mental health needs, set priorities, and develop~~ 13954
~~plans for the operation of facilities and a community mental~~ 13955
~~health services program;~~ 13956

~~(c) In accordance with guidelines issued by the director of~~ 13957
~~mental health after consultation with board representatives,~~ 13958
~~develop and submit to the department of mental health, no later~~ 13959
~~than six months prior to the conclusion of the fiscal year in~~ 13960
~~which the board's current plan is scheduled to expire, a community~~ 13961

~~mental health plan listing community mental health needs, 13962~~
~~including the needs of all residents of the district now residing 13963~~
~~in state mental institutions and severely mentally disabled 13964~~
~~adults, children, and adolescents; all children subject to a 13965~~
~~determination made pursuant to section 121.38 of the Revised Code, 13966~~
~~and all the facilities and community mental health services that 13967~~
~~are or will be in operation or provided during the period for 13968~~
~~which the plan will be in operation in the service district to 13969~~
~~meet such needs. 13970~~

~~The plan shall include, but not be limited to, a statement of 13971~~
~~which of the services listed in section 340.09 of the Revised Code 13972~~
~~the board intends to make available. The board must include crisis 13973~~
~~intervention services for individuals in an emergency situation in 13974~~
~~the plan and explain how the board intends to make such services 13975~~
~~available. The plan must also include an explanation of how the 13976~~
~~board intends to make any payments that it may be required to pay 13977~~
~~under section 5119.62 of the Revised Code, a statement of the 13978~~
~~inpatient and community based services the board proposes that the 13979~~
~~department operate, an assessment of the number and types of 13980~~
~~residential facilities needed, such other information as the 13981~~
~~department requests, and a budget for moneys the board expects to 13982~~
~~receive. The board shall also submit an allocation request for 13983~~
~~state and federal funds. Within sixty days after the department's 13984~~
~~determination that the plan and allocation request are complete, 13985~~
~~the department shall approve or disapprove the plan and request, 13986~~
~~in whole or in part, according to the criteria developed pursuant 13987~~
~~to section 5119.61 of the Revised Code. The department's statement 13988~~
~~of approval or disapproval shall specify the inpatient and the 13989~~
~~community based services that the department will operate for the 13990~~
~~board. Eligibility for state and federal funding shall be 13991~~
~~contingent upon an approved plan or relevant part of a plan. 13992~~

~~If the director disapproves all or part of any plan, the 13993~~

~~director shall inform the board of the reasons for the disapproval 13994
and of the criteria that must be met before the plan may be 13995
approved. The director shall provide the board an opportunity to 13996
present its case on behalf of the plan. The director shall give 13997
the board a reasonable time in which to meet the criteria, and 13998
shall offer the board technical assistance to help it meet the 13999
criteria. 14000~~

~~If the approval of a plan remains in dispute thirty days 14001
prior to the conclusion of the fiscal year in which the board's 14002
current plan is scheduled to expire, the board or the director may 14003
request that the dispute be submitted to a mutually agreed upon 14004
third party mediator with the cost to be shared by the board and 14005
the department. The mediator shall issue to the board and the 14006
department recommendations for resolution of the dispute. Prior to 14007
the conclusion of the fiscal year in which the current plan is 14008
scheduled to expire, the director, taking into consideration the 14009
recommendations of the mediator, shall make a final determination 14010
and approve or disapprove the plan, in whole or in part. 14011~~

~~If a board determines that it is necessary to amend a plan or 14012
an allocation request that has been approved under division 14013
(A) (1) (c) of this section, the board shall submit a proposed 14014
amendment to the director. The director may approve or disapprove 14015
all or part of the amendment. If the director does not approve all 14016
or part of the amendment within thirty days after it is submitted, 14017
the amendment or part of it shall be considered to have been 14018
approved. The director shall inform the board of the reasons for 14019
disapproval of all or part of an amendment and of the criteria 14020
that must be met before the amendment may be approved. The 14021
director shall provide the board an opportunity to present its 14022
case on behalf of the amendment. The director shall give the board 14023
a reasonable time in which to meet the criteria, and shall offer 14024
the board technical assistance to help it meet the criteria. 14025~~

~~The board shall implement the plan approved by the department.~~ 14026
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~~(d) Receive, compile, and transmit to the department of mental health applications for state reimbursement;~~ 14028
14029

~~(e)(2) In accordance with the plan developed under division (A)(1) of this section, implement a community mental health program in a manner consistent with this chapter;~~ 14030
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(3) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies. 14033
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~~(2)(B) Subject to rules issued by the director of mental health after consultation with relevant constituencies as required by division (K) of section 5119.06 of the Revised Code and with respect to community mental health services, each board of alcohol, drug addiction, and mental health services shall do all of the following for the board's alcohol, drug addiction, and mental health service district:~~ 14036
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(1) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any ~~person receiving resident of the board's district who receives~~ services from a community mental health agency ~~as defined in section 5122.01 of the Revised Code,~~ or from a residential facility licensed under section 5119.22 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. ~~Upon request, the~~ Each board shall provide information about such investigations to the department. 14043
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~~(3)(2) For the purpose of section 5119.611 of the Revised Code, cooperate with the director of mental health in visiting and evaluating whether the services of a community mental health~~ 14054
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14056

agency satisfy the certification standards established by rules 14057
adopted under that section; 14058

~~(4)~~(3) In accordance with criteria established under division 14059
~~(C)~~(D) of section 5119.61 of the Revised Code, review and evaluate 14060
the quality, effectiveness, and efficiency of services ~~provided~~ 14061
~~through made available under~~ its community mental health ~~plan~~ 14062
program and submit its findings and recommendations to the 14063
department of mental health; 14064

~~(5)~~(4) In accordance with section 5119.22 of the Revised 14065
Code, review applications for residential facility licenses and 14066
recommend to the department of mental health approval or 14067
disapproval of applications; 14068

~~(6)~~(5) Audit, in accordance with rules adopted by the auditor 14069
of state pursuant to section 117.20 of the Revised Code, at least 14070
annually all ~~programs and services provided made available~~ under 14071
~~contract with the board~~ its community mental health program. In so 14072
doing, the board may contract for or employ the services of 14073
private auditors. A copy of the fiscal audit report shall be 14074
provided to the director of mental health, the auditor of state, 14075
and the county auditor of each county in the board's district. 14076

~~(7)~~(6) Recruit and promote local financial support for its 14077
community mental health ~~programs~~ program from private and public 14078
sources; 14079

~~(8)~~(a)(7) Enter into contracts with ~~public and private~~ 14080
~~facilities for the operation of facility services included in the~~ 14081
~~board's community mental health plan and enter into contracts with~~ 14082
public and private community mental health agencies for the 14083
provision of community mental health services ~~that are listed in~~ 14084
~~section 340.09 of the Revised Code and included in~~ made available 14085
under the board's community mental health ~~plan~~ program. The board 14086
may not contract with a community mental health agency ~~to provide~~ 14087

~~community mental health services included in the board's community~~ 14088
~~mental health plan unless the agency's services are certified by~~ 14089
the director of mental health under section 5119.611 of the 14090
Revised Code. Section 307.86 of the Revised Code does not apply to 14091
contracts entered into under this division. In contracting with a 14092
community mental health agency, a board shall consider the cost 14093
effectiveness of services provided by that agency and the quality 14094
and continuity of care, and may review cost elements, including 14095
salary costs, of the services to be provided. A utilization review 14096
process shall be established as part of the contract for services 14097
entered into between a board and a community mental health agency. 14098
The board may establish this process in a way that is most 14099
effective and efficient in meeting local needs. ~~In the case of~~ 14100
Until July 1, 2012, a contract with a community mental health 14101
~~facility, as defined in section 5111.023 of the Revised Code,~~ 14102
agency to provide services listed in division (B) of that covered 14103
by the medicaid program under section, ~~the contract~~ 5111.023 of 14104
the Revised Code shall provide for the ~~facility~~ agency to be paid 14105
in accordance with the contract entered into between the 14106
departments of job and family services and mental health under 14107
section 5111.91 of the Revised Code ~~and any rules adopted under~~ 14108
~~division (A) of section 5119.61 of the Revised Code.~~ 14109

If either the board or a ~~facility or~~ community mental health 14110
agency with which the board contracts under division 14111
~~(A) (8) (a) (B) (7)~~ of this section proposes not to renew the contract 14112
or proposes substantial changes in contract terms, the other party 14113
shall be given written notice at least one hundred twenty days 14114
before the expiration date of the contract. During the first sixty 14115
days of this one hundred twenty-day period, both parties shall 14116
attempt to resolve any dispute through good faith collaboration 14117
and negotiation in order to continue to provide services to 14118
persons in need. If the dispute has not been resolved sixty days 14119
before the expiration date of the contract, either party may 14120

~~notify the department of mental health of the unresolved dispute. 14121
The director may require request that both parties ~~to~~ submit the 14122
dispute to a third party with the cost to be shared by ~~the board~~ 14123
and the ~~facility or community mental health agency~~ both parties. 14124
The third party shall issue to the board, and ~~the facility or~~ 14125
~~agency, and the department~~ recommendations on how the dispute may 14126
be resolved twenty days prior to the expiration date of the 14127
contract, unless both parties agree to a time extension. ~~The~~ 14128
~~director shall adopt rules establishing the procedures of this~~ 14129
~~dispute resolution process.~~ 14130~~

~~(b) With the prior approval of the director of mental health, 14131
a board may operate a facility or provide a community mental 14132
health service as follows, if there is no other qualified private 14133
or public facility or community mental health agency that is 14134
immediately available and willing to operate such a facility or 14135
provide the service: 14136~~

~~(i) In an emergency situation, any board may operate a 14137
facility or provide a community mental health service in order to 14138
provide essential services for the duration of the emergency; 14139~~

~~(ii) In a service district with a population of at least one 14140
hundred thousand but less than five hundred thousand, a board may 14141
operate a facility or provide a community mental health service 14142
for no longer than one year; 14143~~

~~(iii) In a service district with a population of less than 14144
one hundred thousand, a board may operate a facility or provide a 14145
community mental health service for no longer than one year, 14146
except that such a board may operate a facility or provide a 14147
community mental health service for more than one year with the 14148
prior approval of the director and the prior approval of the board 14149
of county commissioners, or of a majority of the boards of county 14150
commissioners if the district is a joint county district. 14151~~

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

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

~~The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a community mental health service previously provided by a community mental health agency unless the board has established to the director's satisfaction that the agency cannot effectively provide the service or that the agency has requested the board take over providing the service.~~

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

Nothing in division ~~(A) (8) (b)~~ (B) (7) of this section authorizes a board to administer or direct the daily operation of any ~~facility or~~ community mental health agency, but ~~a facility or~~ an agency may contract with a board to receive administrative services or staff direction from the board under the direction of

the governing body of the ~~facility or~~ agency. 14184

~~(9) Approve fee schedules and related charges or adopt a unit~~ 14185
~~cost schedule or other methods of payment for contract services~~ 14186
~~provided by community mental health agencies in accordance with~~ 14187
~~guidelines issued by the department as necessary to comply with~~ 14188
~~state and federal laws pertaining to financial assistance;~~ 14189

~~(10)~~(8) Submit to the director and the county commissioners 14190
of the county or counties served by the board, and make available 14191
to the public, an annual report of the ~~programs under the~~ 14192
~~jurisdiction of the board~~ board's community mental health program, 14193
including a fiscal accounting; 14194

~~(11) Establish,~~ to (9) To the extent resources are available, 14195
include a community support system, ~~which provides in the board's~~ 14196
community mental health program. The system shall provide for 14197
treatment, support, and rehabilitation services and opportunities. 14198
The essential elements of the system include, but are not limited 14199
to, the following components in accordance with section 5119.06 of 14200
the Revised Code: 14201

(a) To locate persons in need of mental health services to 14202
inform them of available services and benefits mechanisms; 14203

(b) Assistance for clients to obtain services necessary to 14204
meet basic human needs for food, clothing, shelter, medical care, 14205
personal safety, and income; 14206

(c) Mental health care, including, but not limited to, 14207
outpatient, partial hospitalization, and, where appropriate, 14208
inpatient care; 14209

(d) Emergency services and crisis intervention; 14210

(e) Assistance for clients to obtain vocational services and 14211
opportunities for jobs; 14212

(f) The provision of services designed to develop social, 14213

community, and personal living skills; 14214

(g) Access to a wide range of housing and the provision of 14215
residential treatment and support; 14216

(h) Support, assistance, consultation, and education for 14217
families, friends, consumers of mental health services, and 14218
others; 14219

(i) Recognition and encouragement of families, friends, 14220
neighborhood networks, especially networks that include racial and 14221
ethnic minorities, churches, community organizations, and 14222
meaningful employment as natural supports for consumers of mental 14223
health services; 14224

(j) Grievance procedures and protection of the rights of 14225
consumers of mental health services; 14226

(k) Case management, which includes continual individualized 14227
assistance and advocacy to ensure that needed services are offered 14228
and procured. 14229

~~(12) Designate~~ (10) Until July 1, 2012, designate the 14230
treatment program, agency, or facility for each person 14231
involuntarily committed to the board pursuant to Chapter 5122. of 14232
the Revised Code and authorize payment for such treatment. ~~The~~ 14233
During the period a board has this duty, all of the following 14234
apply: 14235

(a) The board shall provide the least restrictive and most 14236
appropriate alternative that is available for any person 14237
involuntarily committed to it and shall assure that the community 14238
mental health services ~~listed in section 340.09 of the Revised~~ 14239
~~Code~~ are available to severely mentally disabled persons residing 14240
within its ~~service~~ district. ~~The~~ 14241

(b) The board shall establish the procedure for authorizing 14242
payment for services, which may include prior authorization in 14243

appropriate circumstances. The 14244

(c) The board may provide for services directly to a severely 14245
mentally disabled person when life or safety is endangered and 14246
when no community mental health agency is available to provide the 14247
service. 14248

~~(13) Establish~~ (11) Until July 1, 2012, establish and 14249
implement a method for evaluating referrals for involuntary 14250
commitment and affidavits filed pursuant to section 5122.11 of the 14251
Revised Code in order to assist the probate division of the court 14252
of common pleas in determining whether there is probable cause 14253
that a respondent is subject to involuntary hospitalization and 14254
what alternative treatment is available and appropriate, if any; 14255

~~(14)(12)~~ Ensure that apartments or rooms built, subsidized, 14256
renovated, rented, owned, or leased by the board or a community 14257
mental health agency have been approved as meeting minimum fire 14258
safety standards and that persons residing in the rooms or 14259
apartments are receiving appropriate and necessary services, 14260
including culturally relevant services, from a community mental 14261
health agency. This division does not apply to residential 14262
facilities licensed pursuant to section 5119.22 of the Revised 14263
Code. 14264

~~(15)(13)~~ Establish a mechanism for involvement of consumer 14265
recommendation and advice on matters pertaining to mental health 14266
services in the ~~alcohol, drug addiction, and mental health service~~ 14267
district; 14268

~~(16)(14)~~ Perform the duties under section ~~3722.18~~ 5119.88 of 14269
the Revised Code required by rules adopted under section 5119.61 14270
of the Revised Code regarding referrals by the board or community 14271
mental health agencies under contract with the board of 14272
individuals with mental illness or severe mental disability to 14273
adult care facilities and effective arrangements for ongoing 14274

mental health services for the individuals. The board is 14275
accountable in the manner specified in the rules for ensuring that 14276
the ongoing mental health services are effectively arranged for 14277
the individuals. 14278

~~(B)~~ (C) The board shall establish such rules, operating 14279
procedures, standards, and bylaws, and perform such other duties 14280
as may be necessary or proper to carry out the purposes of this 14281
chapter. 14282

~~(C)~~ (D) A board of alcohol, drug addiction, and mental health 14283
services may receive by gift, grant, devise, or bequest any 14284
moneys, lands, or property for the benefit of the purposes for 14285
which the board is established, and may hold and apply it 14286
according to the terms of the gift, grant, or bequest. All money 14287
received, including accrued interest, by gift, grant, or bequest 14288
shall be deposited in the treasury of the county, the treasurer of 14289
which is custodian of the alcohol, drug addiction, and mental 14290
health services funds to the credit of the board and shall be 14291
available for use by the board for purposes stated by the donor or 14292
grantor. 14293

~~(D)~~ (E) No board member or employee of a board of alcohol, 14294
drug addiction, and mental health services shall be liable for 14295
injury or damages caused by any action or inaction taken within 14296
the scope of the board member's official duties or the employee's 14297
employment, whether or not such action or inaction is expressly 14298
authorized by this section, section 340.033, or any other section 14299
of the Revised Code, unless such action or inaction constitutes 14300
willful or wanton misconduct. Chapter 2744. of the Revised Code 14301
applies to any action or inaction by a board member or employee of 14302
a board taken within the scope of the board member's official 14303
duties or employee's employment. For the purposes of this 14304
division, the conduct of a board member or employee shall not be 14305
considered willful or wanton misconduct if the board member or 14306

employee acted in good faith and in a manner that the board member 14307
or employee reasonably believed was in or was not opposed to the 14308
best interests of the board and, with respect to any criminal 14309
action or proceeding, had no reasonable cause to believe the 14310
conduct was unlawful. 14311

~~(E)~~ (F) The meetings held by any committee established by a 14312
board of alcohol, drug addiction, and mental health services shall 14313
be considered to be meetings of a public body subject to section 14314
121.22 of the Revised Code. 14315

Sec. 340.04. In addition to such other duties as may be 14316
lawfully imposed, the executive director of a board of alcohol, 14317
drug addiction, and mental health services shall: 14318

(A) Serve as executive officer of the board and subject to 14319
the prior approval of the board for each contract, execute 14320
contracts on its behalf; 14321

(B) Supervise services and facilities provided, operated, 14322
contracted, or supported by the board to the extent of determining 14323
that programs are being administered in conformity with this 14324
chapter and rules of the director of mental health and the 14325
department of alcohol and drug addiction services; 14326

(C) Provide consultation to agencies, associations, or 14327
individuals providing services supported by the board; 14328

(D) Recommend to the board the changes necessary to increase 14329
the effectiveness of mental health services and alcohol and drug 14330
addiction services and other matters necessary or desirable to 14331
carry out this chapter; 14332

(E) Employ and remove from office such employees and 14333
consultants in the classified civil service and, subject to the 14334
approval of the board, employ and remove from office such other 14335
employees and consultants as may be necessary for the work of the 14336

board, and fix their compensation and reimbursement within the 14337
limits set by the salary schedule and the budget approved by the 14338
board; 14339

(F) Encourage the development and expansion of preventive, 14340
treatment, rehabilitative, and consultative programs in the field 14341
of mental health with emphasis on continuity of care; 14342

(G) Prepare for board approval an annual report of the 14343
programs under the jurisdiction of the board, including a fiscal 14344
accounting of all services; 14345

(H) Conduct such studies as may be necessary and practicable 14346
for the promotion of mental health and the prevention of mental 14347
illness, emotional disorders, and addiction to alcohol and drugs; 14348

(I) Authorize the county auditor, or in a joint-county 14349
district the county auditor designated as the auditor for the 14350
district, to issue warrants for the payment of board obligations 14351
approved by the board, provided that all payments for alcohol and 14352
drug addiction services are in accordance with the ~~comprehensive~~ 14353
~~community mental health plan, as approved by the department of~~ 14354
~~mental health, or with the board's~~ alcohol and drug addiction 14355
services plan as approved by the department of alcohol and drug 14356
addiction services. 14357

Sec. 340.05. A community mental health agency that receives a 14358
complaint under section ~~3722.17~~ 5119.87 of the Revised Code 14359
alleging abuse or neglect of an individual with mental illness or 14360
severe mental disability who resides in an adult care facility 14361
shall report the complaint to the board of alcohol, drug 14362
addiction, and mental health services serving the alcohol, drug 14363
addiction, and mental health service district in which the adult 14364
care facility is located. A board of alcohol, drug addiction, and 14365
mental health services that receives such a complaint or a report 14366
from a community mental health agency of such a complaint shall 14367

report the complaint to the director of mental health for the 14368
purpose of the director conducting an investigation under section 14369
~~3722.17~~ 5119.87 of the Revised Code. The board may enter the adult 14370
care facility with or without the director and, if the health and 14371
safety of a resident is in immediate danger, take any necessary 14372
action to protect the resident. The board's action shall not 14373
violate any resident's rights under section ~~3722.12~~ 5119.81 of the 14374
Revised Code and rules adopted by the ~~public health council~~ 14375
department of mental health under ~~that chapter~~ sections 5119.70 to 14376
5119.88 of the Revised Code. The board shall immediately report to 14377
the director regarding the board's actions under this section. 14378

Sec. 340.07. The board of county commissioners of any county 14379
participating in an alcohol, drug addiction, and mental health 14380
service district or joint-county district, upon receipt from the 14381
board of alcohol, drug addition, and mental health services of a 14382
resolution so requesting, may appropriate money to such board for 14383
the ~~operation, lease, acquisition, construction, renovation, and~~ 14384
~~maintenance of mental health services, programs, and facilities~~ 14385
~~for mentally ill and emotionally disturbed persons in accordance~~ 14386
~~with the comprehensive~~ board's community mental health plan 14387
program or for the alcohol and drug addiction ~~programs in~~ 14388
~~accordance with~~ services included in the board's alcohol and drug 14389
addiction services plan approved by the department of alcohol and 14390
drug addiction services. 14391

Sec. 340.09. ~~The department of mental health shall provide~~ 14392
~~assistance to any county for the operation of boards~~ A board of 14393
alcohol, drug addiction, and mental health services ~~and the~~ 14394
~~provision of the following services from funds appropriated for~~ 14395
~~that purpose by the general assembly~~ may make the following 14396
services available under its community mental health program: 14397

(A) Outpatient; 14398

(B) Inpatient;	14399
(C) Partial hospitalization;	14400
(D) Rehabilitation;	14401
(E) Consultation;	14402
(F) Mental health education and other preventive services;	14403
(G) Emergency;	14404
(H) Crisis intervention;	14405
(I) Research;	14406
(J) Administrative;	14407
(K) Referral and information;	14408
(L) Residential;	14409
(M) Training;	14410
(N) Substance abuse;	14411
(O) Service and program evaluation;	14412
(P) Community support system;	14413
(Q) Case management;	14414
(R) Residential housing;	14415
(S) Other services approved by the board and the director of mental health.	14416 14417
Sec. 340.091. Each board of alcohol, drug addiction, and mental health services shall contract with a community mental health agency under division (A) (8) (a) <u>(B) (7)</u> of section 340.03 of the Revised Code for the agency to do all of the following in accordance with rules adopted under section 5119.61 of the Revised Code for an individual referred to the agency under division (C) (2) of section 173.35 <u>5119.69</u> of the Revised Code:	14418 14419 14420 14421 14422 14423 14424
(A) Assess the individual to determine whether to recommend	14425

that a PASSPORT residential state supplement administrative agency 14426
designated under section 5119.69 of the Revised Code determine 14427
that the environment in which the individual will be living while 14428
receiving residential state supplement payments is appropriate for 14429
the individual's needs and, if it determines the environment is 14430
appropriate, issue the recommendation to the PASSPORT residential 14431
state supplement administrative agency; 14432

(B) Provide ongoing monitoring to ensure that community 14433
mental health services ~~provided under section 340.09 of the~~ 14434
~~Revised Code~~ made available under the board's community mental 14435
health program are available to the individual; 14436

(C) Provide discharge planning to ensure the individual's 14437
earliest possible transition to a less restrictive environment. 14438

Sec. 340.11. ~~(A)~~ A board of alcohol, drug addiction, and 14439
mental health services may procure a policy or policies of 14440
insurance insuring board members or employees of the board or 14441
agencies with which the board contracts against liability arising 14442
from the performance of their official duties. If the liability 14443
insurance is unavailable or the amount a board has procured or is 14444
able to procure is insufficient to cover the amount of a claim, 14445
the board may indemnify a board member or employee as follows: 14446

~~(1)~~ (A) For any action or inaction in ~~his~~ the capacity ~~as a~~ of 14447
board member or employee or at the request of the board, whether 14448
or not the action or inaction is expressly authorized by this or 14449
any other section of the Revised Code, if: 14450

~~(a)~~ (1) The board member or employee acted in good faith and 14451
in a manner that ~~he~~ the board member or employee reasonably 14452
believed was in or was not opposed to the best interests of the 14453
board; and 14454

~~(b)~~ (2) With respect to any criminal action or proceeding, the 14455

board member or employee had no reason to believe ~~his~~ the board
member's or employee's conduct was unlawful. 14456
14457

~~(2)~~ (B) Against any expenses, including attorneys' fees, the 14458
board member or employee actually and reasonably incurs as a 14459
result of a suit or other proceeding involving the defense of any 14460
action or inaction in ~~his~~ the capacity ~~as a~~ of board member or 14461
employee or at the request of the board, or in defense of any 14462
claim, issue, or matter raised in connection with the defense of 14463
such an action or inaction, to the extent that the board member or 14464
employee is successful on the merits or otherwise. 14465

~~(B) The board may utilize up to that per cent of its budget~~ 14466
~~as approved by the department of mental health to purchase~~ 14467
~~insurance and to pool with funds of other boards of alcohol, drug~~ 14468
~~addiction, and mental health services, as provided in division (E)~~ 14469
~~of section 5119.62 of the Revised Code, to pay expenditures for~~ 14470
~~utilization of state hospital facilities that exceed the amount~~ 14471
~~allocated to the board under the formula developed under that~~ 14472
~~section.~~ 14473

Sec. 341.192. (A) As used in this section: 14474

(1) "Jail" means a county jail, or a multicounty, 14475
municipal-county, or multicounty-municipal correctional center. 14476

(2) "Medical assistance program" has the same meaning as in 14477
section 2913.40 of the Revised Code. 14478

~~(2)~~ (3) "Medical provider" means a physician, hospital, 14479
laboratory, pharmacy, or other health care provider that is not 14480
employed by or under contract to a county, municipal corporation, 14481
township, the department of youth services, or the department of 14482
rehabilitation and correction to provide medical services to 14483
persons confined in ~~the county~~ a jail or ~~a~~ state correctional 14484
institution, or is in the custody of a law enforcement officer. 14485

~~(3)~~(4) "Necessary care" means medical care of a nonelective nature that cannot be postponed until after the period of confinement of a person who is confined in a ~~county~~ jail or a state correctional institution, or is in the custody of a law enforcement officer without endangering the life or health of the person.

(B) If a physician employed by or under contract to a county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction to provide medical services to persons confined in ~~the county~~ a jail or state correctional institution determines that a person who is confined in the ~~county~~ jail or a state correctional institution or who is in the custody of a law enforcement officer prior to the person's confinement in ~~the county~~ a jail or a state correctional institution requires necessary care that the physician cannot provide, the necessary care shall be provided by a medical provider. The county, municipal corporation, township, the department of youth services, or the department of rehabilitation and correction shall pay a medical provider for necessary care an amount not exceeding the authorized reimbursement rate for the same service established by the department of job and family services under the medical assistance program.

Sec. 505.101. The board of township trustees of any township may, by resolution, enter into a contract, without advertising or bidding, for the purchase or sale of materials, equipment, or supplies from or to any department, agency, or political subdivision of the state, for the purchase of services with a soil and water conservation district established under Chapter 1515. of the Revised Code, ~~or~~ for the purchase of supplies, services, materials, and equipment with a regional planning commission pursuant to division (D) of section 713.23 of the Revised Code, or for the purchase of services from an educational service center

under section 3313.846 of the Revised Code. The resolution shall: 14518

(A) Set forth the maximum amount to be paid as the purchase price for the materials, equipment, supplies, or services; 14519
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(B) Describe the type of materials, equipment, supplies, or services that are to be purchased; 14521
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(C) Appropriate sufficient funds to pay the purchase price for the materials, equipment, supplies, or services, except that no such appropriation is necessary if funds have been previously appropriated for the purpose and remain unencumbered at the time the resolution is adopted. 14523
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Sec. 505.60. The following applies until the department of administrative services implements for townships the health care plans under section 9.901 of the Revised Code. If those plans do not include or address any benefits listed in division (A) of this section, the following provisions continue in effect for those benefits. 14528
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(A) As provided in this section and section 505.601 of the Revised Code, the board of township trustees of any township may procure and pay all or any part of the cost of insurance policies that may provide benefits for hospitalization, surgical care, major medical care, disability, dental care, eye care, medical care, hearing aids, prescription drugs, or sickness and accident insurance, or a combination of any of the foregoing types of insurance for township officers and employees. The board of township trustees of any township may negotiate and contract for the purchase of a policy of long-term care insurance for township officers and employees pursuant to section 124.841 of the Revised Code. 14534
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If the board procures any insurance policies under this section, the board shall provide uniform coverage under these 14546
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