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TO: Probate Court Judges

FROM: Daniel R. Schreiber, Deputy Director *DRS*
Office of Financial Management
Ohio Department of Mental Health and Addiction Services (OhioMHAS)

SUBJECT: **FY 2019 Process for Reimbursement of Probate Court Costs**

Section 5122.43 of the Ohio Revised Code authorizes that certain county probate court costs and expenses of proceedings held under Chapter 5122 may be reimbursed by the Ohio Department of Mental Health and Addiction Services (OhioMHAS).

Probate Courts are required to enter and submit an online Allocation Application within the OhioMHAS Grant and Funding Management System (GFMS). A User Guide with registration and submission instructions is attached. Additionally, a communication regarding the instructions will be forthcoming to the Deputy Clerk/Court Administrator of each court. Please continue to submit monthly requests for reimbursement in the same manner in which you have in the past.

Reimbursement for costs, fees, and expenses incurred by county probate courts is limited by the total annual appropriation level of OhioMHAS's court costs line item, 336506. The appropriation for this line item for FY2019 is \$1,000,000. The attached copy of Section 5122.43 (Attachment A) defines the costs and expenses of proceedings eligible for reimbursement by OhioMHAS. In accordance, probate courts will be reimbursed for allowable costs and expenses for those cases related to mental health commitments or involving mental health clients. The request for reimbursement must be submitted to OhioMHAS within two (2) months of the date such costs are incurred.

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) provides each county probate court with an annual allocation based on a three-year weighted average of the billings submitted by the court (Attachment B). This average applies a 60%-30%-10% weight of the past 3 years of court expenses, with the 60% applied to the most recent year's activity. This yields a base percentage in determining how much of OhioMHAS's total annual appropriation each court receives for their allocation. The court's monthly expenses are deducted until their annual allocation is exhausted.

In Fiscal Year 2019, OhioMHAS has again calculated each court's current year's allocation based on this weighted average, but will reimburse expenses **on a base-rate-per-category method** up to the annual allocation for that court. In addition, OhioMHAS has reserved five percent (\$50,000) for those courts who are new to the process or with very minimal annual court expenses to be reimbursed in the current fiscal year rather than having to submit expenses over a period of three years to become eligible for an allocation.

Probate courts will continue to compile and submit their monthly requests for reimbursements using the forms created by OhioMHAS. Upon receipt of the submission, **OhioMHAS will review the documents for completeness and then use the Master Invoice Tally to calculate the allowable reimbursement based on the number of incidents in each category multiplied by the set base rate for that category.**

To determine the base rate for each reimbursement category, OhioMHAS compiled and evaluated four fiscal years of probate court expenses (2010-2013) and determined the combined average cost per category. The following chart outlines the expense/reimbursement categories and respective reimbursement base rates per incident that OhioMHAS has implemented:

<u>EXPENSE/REIMBURSEMENT CATEGORIES</u>	<u>FY2019 REIMBURSEMENT RATE PER INCIDENT</u>
Police	\$54
Sheriff	\$27
Physician	\$153
Witness	\$100
Transportation	\$51
Conveyance Assistant	\$6
Attorney	\$119
Referee (Magistrate)	\$116
Court Reporter	\$33
Other Court Costs	\$19

If a court's rate for a category is higher than OhioMHAS's reimbursement rate for that category, the court will be reimbursed at OhioMHAS's base rate for that incident (see Example 1). If a court's rate for a category is equal to or lesser than the OhioMHAS's reimbursable rate, the probate court will be reimbursed at the lower rate (see Example 2).

Example 1: 6 incidents for Attorney totaling \$1,200.00 divides to \$200.00 per incident. OhioMHAS's base rate for Attorney is \$119. The court will be reimbursed \$714.00. (6 incidents @ \$119.00 each).

Example 2: 6 incidents for Sheriff totaling \$123.50 divides to \$20.58 per incident. OhioMHAS's base rate for Sheriff is \$27.00. The court will be reimbursed their \$123.50—it is the lesser amount per incident.

OhioMHAS will reimburse each court's request for the allowable costs based on the submitted number of incidents per category of expenses until that court's total annual allocation is exhausted or the OhioMHAS's total annual appropriation is depleted. Although OhioMHAS will not be able to continue making payments to the courts once the allocation is depleted, it is advised that requests for reimbursement continue to be submitted. The purpose of this is to allow ongoing development of a database for actual costs incurred which will assist in establishing future year base rates and biennium budget requests.

REIMBURSEMENT PROCEDURES AND FORMS

The reimbursement request forms have been designed to capture the court costs by the respondent's county of residence. If jurisdiction is transferred from one probate court to another, the court that incurs the expenses has two options for obtaining reimbursement: (1) the court holding the proceedings can bill OhioMHAS directly for these costs, or (2) the court holding the proceedings can bill the court of the respondent's county of residence and that court may, in turn, bill OhioMHAS for reimbursement. The decision as to how to settle these costs is made at the local level.

Forms and instructions for FY2019 reimbursement requests are located at the Ohio Department of Mental Health and Addiction Services (OhioMHAS) web site <http://mha.ohio.gov>. Under the >Funding Tab; select >Reporting Forms. Instructions and forms are provided in PDF format.

If you have any questions or require additional information, please contact Audra Terrell at (614) 466-9980, fax - (614) 644-9116, or e-mail - audra.terrell@mha.ohio.gov

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