



Mike DeWine, Governor
Lori Criss, Director, OhioMHAS

340 Review Stakeholder Workgroup Third Meeting

May 18, 2022
10 am – 2:30 pm
Columbus, Ohio

Welcome to the third 340 Review Stakeholder Workgroup Meeting

**THANK YOU FOR JOINING US.
THE MEETING WILL BEGIN SHORTLY.**

Workgroup MEMBERS who are attending in person, please also join the meeting on Teams. Please mute your laptop speaker and your Teams audio to prevent sound feedback. Please use the microphones in the room—this will ensure we get a good recording since we are in a larger room with a higher ceiling.

Workgroup MEMBERS who are attending virtually via Teams, please make sure your computer audio is turned on and use your Teams mute/unmute to participate in the meeting.

ALL Workgroup MEMBERS: Please leave your Teams video on as you feel comfortable, but we ask that you turn it on when speaking. When you'd like to speak, please use the "raise hand" function in Teams to alert me.

Members of the PUBLIC and MEDIA who are joining virtually via Teams, make sure your audio is turned on to hear the meeting. If you have any difficulty joining virtually, you may also dial in by phone by calling 614.721.2972 and use passcode: 185312786#.

All public participants will be in listen-only mode. There will be a public comment period following the presentation and member discussion, and all comments and questions can be submitted via the chat function in the Teams meeting or emailed to 340ReviewWorkgroup@mha.ohio.gov.

Closed captioning is available to all Teams participants through the "Turn Live Captions On" function under the ellipses (...) icon in the top right corner.



Our Agenda Today

1. Welcome and Overview of the Agenda
 2. Continuation of Roundtable Discussion – Recovery Housing
 3. Roundtable Discussion – ADAMHS Boards’ Powers and Duties
 4. Lunch Break
 5. Continuation of Roundtable Discussion – ADAMHS Boards’ Powers and Duties
 6. Roundtable Discussion – ADAMHS Boards’ Organization and Size
 7. Public Comment Opportunity
 8. Upcoming Meetings and Adjourn
-





Recovery Housing

**Continuation of Roundtable Discussion:
R.C. 340.034**



Member Comments

Survey

- Recovery housing should be subject to licensure or meet standards of an oversight body; concern re: unregulated and substandard recovery housing
- Board ownership of recovery housing – should be allowed or not?
- Utilization of medication-assisted treatment (MAT) by residents
- Concern re: the lack of a reference to mental health housing – why a section on recovery housing but none on mental health housing?

April Meeting

- Perhaps mandatory certification of recovery homes should be considered
- Concern that mandatory certification will lead to loss of protections afforded by the Fair Housing Act
- With accreditation and voluntary certification, there should be a central location (i.e., a registry) where individuals can research a home's quality without going to multiple sources
- Ohio needs to do more to ensure government funding is going to quality recovery homes.
- Recovery housing with a connection to an ADAMHS board is generally higher quality.
- More needs to be done to reduce community stigma concerning recovery housing.



ADAMHS Boards' Powers and Duties

Roundtable Discussion:

First: R.C. 340.03 and 340.08

Second: R.C. 340.037 and 340.05



R.C. 340.03 – Board duties and powers

- **Planning:** Serve as the community BH planning agency for the county or counties under its jurisdiction.
- **Investigating:** Investigate abuse or neglect complaints stemming from a person's receipt of community BH services or services in an OhioMHAS-licensed residential facility.
- **Visiting and evaluating:** Cooperate with OhioMHAS in visiting and evaluating whether the certifiable services and supports of a community BH provider satisfy certification standards in rules.
- **Conducting program audits:** Conduct program audits that review and evaluate the quality, effectiveness, and efficiency of BH services and recovery supports provided by community BH providers under contract with the board.
- **Reviewing RF license applications:** Review an application for a residential facility license and provide information to OhioMHAS.
- **Conducting fiscal audits:** Audit, at least annually, all programs, BH services, and recovery supports provided under contract with the board.
- **Recruiting and promoting:** Recruit and promote local financial support for BH services and recovery supports from private and public sources.
- **Approving fee schedules and related charges:** Approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for BH services and recovery supports provided by community BH providers that have contracted with the board.
- **Submitting an annual report:** Submit to the OhioMHAS Director and the relevant county commissioners, and make available to the public, an annual report of the BH services and recovery supports under board's jurisdiction, including a fiscal accounting.
- **Evaluating referrals for court-ordered treatment:** Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to R.C. 5122.11 to assist probate courts in determining whether there is probable cause that a respondent is subject to court-ordered treatment and whether alternatives to hospitalization are available and appropriate.
- **Placing persons involuntarily committed:** Designate the treatment services, provider, facility, or other placement for each person involuntarily committed.
- **Ensuring quality of certain housing:** Ensure that housing built, subsidized, renovated, rented, owned, or leased by the board or a community BH provider meets certain safety standards and that persons residing in the housing have access to appropriate and necessary services.
- **Obtaining advice and involvement:** Establish a mechanism for obtaining advice and involvement of persons receiving BH services or recovery supports on matters pertaining to services and supports.
- **Performing certain duties regarding referrals to RF2s:** Perform the duties required by rules regarding referrals by the board or community mental health services providers under contract with the board of individuals with mental illness or severe mental disability to class two residential and effective arrangements for ongoing mental health services for the individuals.

R.C. 340.08 – Duties of ADAMHS boards (submission of budget and other docs to OhioMHAS)

- **Submitting a proposed budget:** Submit to OhioMHAS a proposed budget of receipts and expenditures for all federal, state, and local money the board expects to receive.
- **Submitting a proposed list of services:** Submit to OhioMHAS a proposed list of BH services and recovery supports the board intends to make available.
- **Entering into a continuity of care agreement:** Enter into a continuity of care agreement with the regional psychiatric hospital encompassing the board's service district.
- **Operating a tracking system:** In conjunction with OhioMHAS, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity or found incompetent to stand trial who have been committed to treatment but granted a conditional release.
- **Submitting a report on patient complaints/grievances:** Submit to OhioMHAS a report summarizing complaints and grievances concerning patient rights, investigations of those items, and their outcomes.
- **Provide information for behavioral health information system:** Provide to OhioMHAS information to be submitted to the community behavioral health information system or other OhioMHAS systems.
- **Submitting list of board members:** Submit to OhioMHAS annually and upon any change of membership a list of all current board members.
- **Submitting other information to OhioMHAS:** Submit to OhioMHAS other information as reasonably required for OhioMHAS operations, service evaluation, reporting activities, research, system administration, and oversight.

Summary

R.C. 340.037 – Operation of facility to provide MHAS

In general:

(A) A board may operate a facility or provide an addiction service or mental health service if both of the following apply:

(1) The OhioMHAS Director gives the board prior approval; and

(2) There is no other qualified private or public facility, community addiction services provider, or community mental health services provider that is immediately available and willing to operate such a facility or provide the service.

However, the Director is subject to certain restrictions in giving approval....

Restrictions on Director

R.C. 340.037

The Director shall not:

<p>Except in an emergency situation, give a board approval to operate a facility or provide a BH service unless the Director determines that it is not feasible to have OhioMHAS operate the facility or provide the service.</p>	<p>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.</p>
<p>Give a board that serves a service district with a population of less than 100,000 approval to operate a facility or provide a BH service 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 BH provider.</p>	<p>Give a board approval to provide an addiction service or mental health service previously provided by a community addiction services provider or community mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board to take over providing the service.</p>

Summary

R.C. 340.05 – Complaint alleging abuse or neglect of individual in a residential care facility

- Requires a community BH provider that receives a complaint alleging abuse or neglect of a RCF resident to report it to the ADAMHS board in which the RCF is located.
- Requires the board to report the complaint to OhioMHAS for investigation.
- Authorizes the board to enter the facility with or without the OhioMHAS Director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident.
- Specifies that the board's action does not violate any resident's rights.
- Requires the board to immediately report to the OhioMHAS Director the board's actions.



ADAMHS Boards' Organization and Size

Roundtable Discussion:

R.C. 340.02

R.C. 340.021

R.C. 340.022

R.C. 340.04

R.C. 340.041



R.C. 340.02 – Organization of ADAMHS Board
Current law

Appointing Authority	Number of Appointees		Appointee Characteristics/Other Considerations
	18-member board	14-member board	
OhioMHAS Director	8	6	<p>Half of the members must be interested in MH services; half must be interested in alcohol, drug, or gambling addiction services.</p> <p>OhioMHAS Director must ensure:</p> <ul style="list-style-type: none"> • ≥1 clinician with MH experience • ≥1 clinician with addiction experience • ≥1 person receiving or has received MH services • ≥1 parent or relative of above • ≥1 person receiving or has received addiction services • ≥1 parent or relative of above <p>A single member who meets both clinician categories may fulfill both.</p> <p>In a joint-county district, county commissioners of each participating county must appoint members in as nearly as possible the same proportion as that county's population bears to the total population of the district, except that at least one member must be appointed from each participating county.</p>
Board of County Commissioners	10	8	

R.C. 340.02 – ADAMHS board organization

Prohibitions on board membership and employment

- A board member or board employee is prohibited from serving as a board member of any provider with which the board has entered into a contract for the provision of services or facilities.
- A board member is also prohibited from being an employee of a provider with which the board has entered into a contract described above.
- A board employee is prohibited from being a provider under contract with the board of employment unless the board and provider both agree in writing.
- A person 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 has entered into a contract with a provider of services or facilities is prohibited from serving as an ADAMHS board member.
- A person 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 county commissioner of a county or counties in the ADAMHS district is prohibited from serving as an ADAMH board member or employee.

R.C. 340.02 – ADAMHS board organization

Terms

	New Board	Established Board
18-member board	Initial appointments: <ul style="list-style-type: none">• 1/3 must be for two-year terms• 1/3 must be for three-year terms• 1/3 must be for four-year terms	All four-year terms
14-member board	Initial appointments: <ul style="list-style-type: none">• Four must be for two-year terms• Five must be for three-year terms• Five must be for four-year terms	All four-year terms

No member may serve more than two consecutive four-year terms under the same appointing authority.

R.C. 340.021
**County
alternatives for
providing
alcohol and
drug addiction
services**

Consensus that section should be repealed -- because it describes separate MH/ADAS boards

R.C. 340.022
**ADAMHS board
size after
withdrawing
from joint-
county district**

COMMENT THEMES

Section has very limited applicability; instead, address these requirements for withdrawing counties in 340.02

Board members should be representative of the community in which they serve

Summary

R.C. 340.04 – Executive director

- Requires each ADAMHS board to (1) employ a qualified MH or AS professional with experience in administration or a professional administrator with experience in MH services or addiction services to serve as board executive director and (2) prescribe the executive director's duties.
- Specifies how the executive director's compensation will be established and how an executive director may be removed.
- Authorizes a board to delegate to its executive director the authority to act on its behalf concerning administrative duties.

Summary

R.C. 340.041 – Executive director powers and duties

“In addition to other duties lawfully imposed” the executive director of an ADAMHS board has the following duties:

1. Serve as executive officer of the board and generally execute contracts on its behalf.
2. Supervise addiction services, mental health services, recovery supports, and facilities provided, operated, contracted, and supported by the board to the extent of determining that services, supports, and facilities are being administered in conformity with R.C. Chapter 340 and related rules.
3. Provide consultation to community BH providers.
4. Recommend to the board the changes necessary to increase the effectiveness of addiction services, mental health services, and recovery supports and other matters necessary or desirable to carry out R.C. Chapter 340.
5. Employ and remove from office employees and consultants in the classified civil service and, subject to board approval, employ and remove from office such other employees and consultants as may be necessary for the work of the board.

(continued)

Summary

R.C. 340.041 – Executive director powers and duties (continued)

6. Encourage the development and expansion of preventive, treatment, and consultative services, as well as recovery supports, in the fields of addiction services and mental health services with the emphasis on continuity of care.

7. Prepare for board approval an annual report of the addiction services, mental health services, promotion of addiction services, and prevention of mental illness, emotional disorders, and addiction.

8. Conduct such studies as may be necessary and practicable for the promotion of mental health, promotion of addiction services, and the prevention of mental illness, emotional disorders, and addiction.

9. Authorize the county auditor to issue warrants for the payment of board obligations approved by the board (all payments from funds distributed to the board by OHioMHAS must be in accordance with the budget submitted under R.C. 340.08).

R.C. 340.041
**Executive
director
power and
duties**

COMMENT THEMES

(H) – add language to clarify that activities related to promotion and prevention should also be implemented including educational and informational campaigns to educate the public about treatment, prevention, and the availability of services and supports

(B) – concern with how “supervising services” has been interpreted in some communities—clarification needed; refocus this provision on executive director’s role in implementing the community plan and collaborating with providers to support access to the full continuum of care

This section needs to include responsibilities and standards for accountability for the executive director

(C) – concern with how “provide consultation” has been interpreted in some communities; division should be removed or refocused on developing collaborative relationships with contracted and non-contracted providers and other entities that support prevention, treatment, and recovery supports

(D) – refocus this division on increasing access to the full continuum of care and support for evidence-informed services and supports

(G) – could be improved to require more transparency and accountability for annual reporting and available reserve funds in all communities



Public Comment Opportunity

Please submit comments and questions
via the Teams chat or via email to
340ReviewWorkgroup@mha.ohio.gov.

Upcoming Meetings

DATE	PROPOSED TIME	PROPOSED TOPICS
Thursday, June 30, 2022	10 am – 2:30 pm, with break for lunch	Continuation of discussion on ADAMHS boards' organization and size (R.C. 340.02, 340.021, 340.022, 340.04, and 340.041) Authority of ADAMHS boards to contract for services and supports (R.C. 340.036) Interpretation and construction of R.C. Chapter 340 (R.C. 340.011) ADAMHS boards and residential facilities (R.C. 340.031 and 340.035) Opioids (R.C. 340.20 and 340.30)
Thursday, August 18, 2022	10 am – 2:30 pm, with break for lunch	Topics TBD by Director Criss



Public Comment Opportunity on R.C. Chapter 340

Wednesday, June 22, from
10 am – noon (via Teams)

THANK YOU

Connect with us online at:

<https://mha.ohio.gov/community-partners/advisory-groups/340-workgroup>

or by email at:

340ReviewWorkgroup@mha.ohio.gov

