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S.B. 105
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 105's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Johnson and Sykes

Local Impact Statement Procedure Required: No

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Highlights

- The bill requires the Ohio Department of Mental Health and Addiction Services (OhioMHAS) to monitor the operation of recovery housing residences by establishing a certification process or accepting accreditation from an outside organization. Additionally, OhioMHAS will need to establish a complaint process regarding these residences and to maintain a registry of those certified/accredited. OhioMHAS will realize costs to do this. Costs will depend on a number of factors.
- The bill makes a number of changes to the law governing alcohol, drug addiction, and mental health services (ADAMHS) boards, including creating additional options regarding the number of members on a board, requiring provider input and recommendations to OhioMHAS in certain circumstances, and removing the current dispute resolution process and requiring contracts to include an early termination process. There may be some initial costs for some provisions (e.g., a board changes size), but there could also be savings or better coordination of services due to others.

Detailed Analysis

ADAMHS board provisions

Withdrawal from a joint-county district

The bill requires a board of county commissioner's comprehensive plan for withdrawal from a joint-county alcohol, drug addiction, and mental health service district to include additional information about the new district and its continuation of services. It also requires the Ohio Department of Mental Health and Addiction Services (OhioMHAS) Director to approve the comprehensive plan no later than one year after the date the resolution was adopted. This may result in some administrative costs for boards of county commissioners to provide this additional

information and for OhioMHAS to review it. However, these costs would only occur in the event an alcohol, drug addiction, and mental health services (ADAMHS) board chooses to withdraw from a district.

Composition and appointment of boards

The bill makes a number of changes relating to the composition and appointment of ADAMHS boards. This includes allowing additional options (18, 15, 14, 12, or 9 members) regarding the number of members of an ADAMHS board (currently a board has 18 or 14 members). The bill also describes the process involved in determining membership, including requiring the board or boards of county commissioners to adopt a resolution specifying the board size selected. Board size can be changed once every four calendar years. If the size of an ADAMHS board is adjusted, there could be initial costs to boards of county commissioners to adopt a resolution and to ADAMHS boards to make any website or other necessary changes or updates. In addition, while ADAMHS board members do not receive compensation for performing board-related duties, members do receive reimbursement for any actual and necessary expenses. If the number of board members changed, there could be an impact on reimbursements.

The bill also modifies the number of members appointed by the boards of county commissioners and by the OhioMHAS Director and the qualification requirements of members. These provisions should not have a fiscal impact. Additionally, the bill allows a board member to be removed from office by the appointing authority at will (current law permits removal for neglect of duty, misconduct, or malfeasance in office as in current law). The bill also requires that the pre-removal hearing be public. Any impacts will depend on if the provisions result in any additional removals. If there are removals, there could be some costs associated for a public hearing.

ADAMHS board duties

The bill requires ADAMHS boards to provide input and recommendations to OhioMHAS when a provider application or renewal has been submitted or when a provider is being investigated by OhioMHAS, if the board is aware of information that would be beneficial to the matter. There could be some minimal costs to provide this information assuming a board has such information and does not already provide said information to OhioMHAS.

Additionally, the bill requires each ADAMHS board, as part of its duty to promote, arrange, and implement working agreements with social agencies, to include other government programs in order to coordinate those benefits and improve the administration and management of the programs. Furthermore, the bill requires OhioMHAS and the Department of Medicaid to adopt rules establishing requirements and procedures for the exchange of Medicaid recipient data between ADAMHS boards and the Department of Medicaid to coordinate public benefits, improve the management and administration of Medicaid and other public assistance programs offering addiction or mental health services, and to ensure that the essential elements of a board's continuum of care are available to persons seeking addiction or mental health services. These provisions could increase administrative costs for ADAMHS boards, OhioMHAS, and the Department of Medicaid. However, it is possible that there could be some savings if the provisions resulted in better coordination and outcomes.

ADAMHS board contracts

The bill removes the current dispute resolution process required if a party to a contract with an ADAMHS board seeks to terminate the contract, and specifies that contracts between

ADAMHS boards and providers must include a process for early termination by the board, for any cause the board considers necessary, and a process by which the provider can appeal the board's decision regarding the early termination. Any impacts will depend on whether there are early terminations and how the new process differs from the current process. The bill also clarifies that an ADAMHS board can choose to establish and use a process for selecting and entering into contracts on a competitive basis or any other basis the board considers appropriate. Any fiscal impacts will depend on whether the board chooses to implement contracts on a competitive basis and the specifics of the contracts entered into.

Reporting

The bill eliminates the requirement that ADAMHS boards take certain actions based on data in monthly reports from community addiction services providers. Specifically, the bill removes the requirements that each ADAMHS board: acknowledge to OhioMHAS that the board has received and reviewed the information, use the information to determine whether any opioid and co-occurring drug addiction services and recovery supports are not meeting the needs of the service district the board serves, and inform OhioMHAS of the determination the board makes. ADAMHS boards could realize a decrease in some administrative costs. The bill also removes outdated requirements pertaining to past reports on the county hub program to combat opioid addiction. There will be no fiscal impact associated with this removal.

Recovery housing provisions

The bill requires OhioMHAS to monitor the operation of recovery housing residences by either establishing a certification process through OhioMHAS or accepting accreditation, or its equivalent, from outside organizations specified in the bill. As part of this requirement, OhioMHAS must establish a procedure to receive and investigate complaints regarding recovery housing residences. Again, the bill allows OhioMHAS to contract with one or more of the accrediting organizations identified to fulfill these duties. If a contract is entered into, the organization performing these duties must report certain information to OhioMHAS. OhioMHAS will realize costs to establish this accreditation or certification process and to investigate complaints. Costs will largely depend on whether OhioMHAS chooses to contract with an entity to perform these duties or performs these duties itself, as well as the number of recovery housing residences seeking to be certified/accredited and the number and scope of investigations. The bill also requires OhioMHAS to establish and maintain a registry of recovery housing residences that are certified or accredited or are seeking this status. The registry must be available on OhioMHAS's website. OhioMHAS will experience administrative and information technology costs to do this.

Additionally, beginning January 1, 2025, the bill prohibits the operation of a recovery housing residence unless the residence is (1) certified or accredited, as applicable, or (2) actively in the process of obtaining certification or accreditation and has been in operation for no more than 18 months. It makes violation of the prohibition a first degree misdemeanor and allows the OhioMHAS Director to seek a court order enjoining operation of any recovery housing residence in violation of the prohibition. The bill also prohibits a person or government entity from advertising or representing a residence or building to be a recovery housing residence, sober living home, or similar substance free housing for individuals in recovery unless the residence is on the registry described above or is regulated by the Department of Rehabilitation and Correction as a halfway house or community residential center. A violation is a first degree misdemeanor. There could be court costs if there are any violations.