

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

133rd General Assembly

**Regular Session
2019-2020**

Sub. S. B. No. 126

Senator Manning

Cosponsor: Senator Maharath

A BILL

To amend sections 5122.04 and 5164.15 of the
Revised Code and to amend Sections 265.10 and
265.210 of H.B. 166 of the 133rd General
Assembly to authorize mental health
professionals to provide crisis assessments,
without parental consent, to minors who may be
suicidal or pose a risk of physical harm to
others; to modify certain references to mental
health professionals to reflect previous
enactments; and to make an appropriation to
support the employment of licensed independent
social workers at educational service centers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5122.04 and 5164.15 of the
Revised Code be amended to read as follows:

Sec. 5122.04. (A) Upon the request of a minor fourteen
years of age or older, a mental health professional may provide
outpatient mental health services, excluding the use of
medication, without the consent or knowledge of the minor's

parent or guardian. Except as otherwise provided in this ~~section-~~ 19
division, the minor's parent or guardian shall not be informed 20
of the services without the minor's consent unless the mental 21
health professional treating the minor determines that there is 22
a compelling need for disclosure based on a substantial 23
probability of harm to the minor or to other persons, and if the 24
minor is notified of the mental health professional's intent to 25
inform the minor's parent, or guardian. 26

~~(B)~~ Services provided to a minor pursuant to this ~~section-~~ 27
division shall be limited to not more than six sessions or 28
thirty days of services, whichever occurs sooner. After the 29
sixth session or thirty days of services, the mental health 30
professional shall terminate the services or, with the consent 31
of the minor, notify the parent, or guardian, to obtain consent 32
to provide further outpatient services. 33

~~(C)~~ The minor's parent or guardian shall not be liable for 34
the costs of services which are received by a minor under this 35
division~~(A)~~. 36

~~(D)~~ (B) (1) A mental health professional may provide a 37
crisis assessment to a minor without the consent or knowledge of 38
the minor's parent, legal guardian, or custodian if both of the 39
following are the case: 40

(a) The mental health professional believes that the minor 41
may be suicidal or may pose a risk of physical harm to others or 42
the mental health professional has received credible information 43
from an adult supervising the minor that the minor may be 44
suicidal or may pose a risk of physical harm to others. 45

(b) The minor's parent, legal guardian, or custodian is 46
not available to provide consent. 47

(2) As soon as practicable after the crisis assessment, 48
the mental health professional shall make a good faith effort to 49
notify the minor's parent, legal guardian, or custodian that the 50
assessment was provided. 51

(C) The director of mental health and addiction services 52
shall adopt rules identifying the types of mental health 53
professionals who are permitted to provide outpatient mental 54
health services under division (A) of this section and crisis 55
assessments under division (B) of this section. The rules shall 56
be adopted in accordance with Chapter 119. of the Revised Code. 57

(D) Nothing in this section relieves a mental health 58
professional from the obligations of section 2151.421 of the 59
Revised Code. 60

~~(E) As used in this section, "mental health professional"~~ 61
~~has the same meaning as in section 340.02 of the Revised Code.~~ 62

Sec. 5164.15. (A) As used in this section:~~—~~ 63

~~(1)~~ "Community community mental health services provider 64
or facility" means a community mental health services provider 65
or facility that has its community mental health services 66
certified by the department of mental health and addiction 67
services under section 5119.36 of the Revised Code or by the 68
department of job and family services under section 5103.03 of 69
the Revised Code. 70

~~(2) "Mental health professional" means a person qualified~~ 71
~~to work with mentally ill persons under the standards~~ 72
~~established by the director of mental health and addiction~~ 73
~~services pursuant to section 5119.36 of the Revised Code.~~ 74

(B) The medicaid program may cover the following mental 75
health services when provided by community mental health 76

services providers or facilities: 77

(1) Outpatient mental health services, including, but not 78
limited to, preventive, diagnostic, therapeutic, rehabilitative, 79
and palliative interventions rendered to individuals in an 80
individual or group setting by a mental health professional in 81
accordance with a plan of treatment appropriately established, 82
monitored, and reviewed; 83

(2) Partial-hospitalization mental health services 84
rendered by persons directly supervised by a mental health 85
professional; 86

(3) Unscheduled, emergency mental health services of a 87
kind ordinarily provided to persons in crisis when rendered by 88
persons supervised by a mental health professional; 89

(4) Assertive community treatment and intensive home-based 90
mental health services. 91

(C) The department of medicaid shall enter into a separate 92
contract with the department of mental health and addiction 93
services under section 5162.35 of the Revised Code with regard 94
to the mental health services the medicaid program covers 95
pursuant to this section. As part of the terms of the contract, 96
the departments shall identify the types of mental health 97
professionals who are permitted to render or supervise the 98
services. 99

Section 2. That existing sections 5122.04 and 5164.15 of 100
the Revised Code are hereby repealed. 101

Section 3. That Sections 265.10 and 265.210 of H.B. 166 of 102
the 133rd General Assembly be amended to read as follows: 103

Sec. 265.10. 104

1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION			
B	General Revenue Fund			
C	GRF	200321 Operating Expenses	\$ 15,153,032 \$	16,565,951
D	GRF	200408 Early Childhood Education	\$ 68,116,789 \$	68,116,789
E	GRF	200420 Information Technology Development and Support	\$ 4,004,299 \$	4,026,960
F	GRF	200422 School Management Assistance	\$ 2,385,580 \$	2,408,711
G	GRF	200424 Policy Analysis	\$ 458,232 \$	457,676
H	GRF	200426 Ohio Educational Computer Network	\$ 15,457,000 \$	15,457,000
I	GRF	200427 Academic Standards	\$ 4,434,215 \$	4,483,525
J	GRF	200437 Student Assessment	\$ 56,906,893 \$	56,948,365

K	GRF	200439	Accountability/ Report Cards	\$	7,517,406	\$	7,565,320
L	GRF	200442	Child Care Licensing	\$	2,156,322	\$	2,227,153
M	GRF	200446	Education Management Information System	\$	8,112,987	\$	8,174,415
N	GRF	200448	Educator Preparation	\$	11,785,384	\$	7,285,384
O	GRF	200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546
P	GRF	200465	Education Technology Resources	\$	5,179,664	\$	5,179,664
Q	GRF	200478	Industry- Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000
R	GRF	200502	Pupil Transportation	\$	527,129,809	\$	527,129,809
S	GRF	200505	School Lunch Match	\$	8,963,500	\$	8,963,500

T	GRF	200511	Auxiliary Services	\$	154,939,134	\$	154,939,134
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735
V	GRF	200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000
W	GRF	200545	Career- Technical Education Enhancements	\$	9,750,892	\$	9,750,892
X	GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,774,618,845 <u>6,778,258,845</u>
Y	GRF	200566	Literacy Improvement	\$	1,452,876	\$	1,452,172
Z	GRF	200572	Adult Education Programs	\$	10,207,674	\$	10,207,674
AA	GRF	200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418
AB	GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526

AC GRF	200576	Adaptive Sports Program	\$	250,000	\$	250,000
AD GRF	200597	Program and Project Support	\$	1,125,000	\$	625,000
AE GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978
AF TOTAL GRF		General Revenue Fund	\$	8,187,203,556	\$	8,079,038,142 <u>8,082,678,142</u>
AG Dedicated Purpose Fund Group						
AH 4520	200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000
AI 4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000
AJ 4L20	200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000
AK 5980	200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
AL 5H30	200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000
AM 5KX0	200691	Ohio School Sponsorship	\$	1,250,000	\$	1,250,000

		Program				
AN 5MM0	200677	Child Nutrition	\$	550,000	\$	550,000
		Refunds				
AO 5U20	200685	National	\$	170,675	\$	175,000
		Education				
		Statistics				
AP 5VS0	200604	Student	\$	275,000,000	\$	400,000,000
		Wellness and				
		Success				
AQ 5VU0	200663	School Bus	\$	0	\$	20,000,000
		Purchase				
AR 6200	200615	Educational	\$	594,443	\$	600,000
		Improvement				
		Grants				
AS TOTAL	DPF	Dedicated Purpose	\$	296,660,945	\$	441,875,000
		Fund Group				
AT		Internal Service Activity				
		Fund Group				
AU 1380	200606	Information	\$	7,939,104	\$	8,047,645
		Technology				
		Development and				
		Support				
AV 4R70	200695	Indirect	\$	7,856,766	\$	7,856,766
		Operational				
		Support				

AW 4V70 200633	Interagency	\$	5,497,938	\$	5,500,000
	Program Support				
AX TOTAL ISA	Internal Service	\$	21,293,808	\$	21,404,411
	Activity Fund Group				
AY	State Lottery Fund Group				
AZ 7017 200602	School Climate	\$	2,000,000	\$	2,000,000
	Grants				
BA 7017 200612	Foundation	\$	1,081,400,000	\$	1,249,900,000
	Funding				
BB 7017 200614	Accelerate	\$	1,500,000	\$	1,500,000
	Great Schools				
BC 7017 200631	Quality	\$	30,000,000	\$	30,000,000
	Community				
	Schools Support				
BD 7017 200636	Enrollment	\$	15,500,000	\$	23,000,000
	Growth				
	Supplement				
BE 7017 200684	Community	\$	20,600,000	\$	20,600,000
	School				
	Facilities				
BF TOTAL SLF	State Lottery Fund	\$	1,151,000,000	\$	1,327,000,000
	Group				
BG	Federal Fund Group				

BH 3670	200607	School Food Services	\$	11,469,730	\$	11,897,473
BI 3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000
BJ 3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500
BK 3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000
BL 3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000
BM 3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
BN 3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000
BO 3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000
BP 3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299
BQ 3GG0	200676	Fresh Fruit and	\$	4,911,207	\$	5,145,074

		Vegetable Program				
BR 3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327
BS 3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720
BT 3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000
BU 3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081
BV 3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580
BW 3L90	200621	Career- Technical Education Basic Grant	\$	45,946,927	\$	46,000,000
BX 3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
BY 3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000
BZ 3T40	200613	Public Charter	\$	7,000,000	\$	7,000,000

Schools						
CA 3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000
CB 3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000
CC 3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000
CD 3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000
CE 3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000
CF 3Z30	200645	Consolidated Federal Grant Administration	\$	10,701,635	\$	10,900,000
CG TOTAL FED	Federal Fund Group		\$	2,093,937,196	\$	2,115,861,054
CH TOTAL ALL BUDGET FUND GROUPS			\$	11,750,095,505	\$	11,985,178,607
						<u>11,988,818,607</u>

Sec. 265.210. FOUNDATION FUNDING

106

Of the foregoing appropriation item 200550, Foundation

107

Funding, up to \$40,000,000 in each fiscal year shall be used to 108
provide additional state aid to school districts, joint 109
vocational school districts, community schools, and STEM schools 110
for special education students under division (C) (3) of section 111
3314.08, section 3317.0214 and division (B) of section 3317.16 112
in accordance with the section of this act entitled "OPERATING 113
FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of 114
the Revised Code, except that the Controlling Board may increase 115
these amounts if presented with such a request from the 116
Department of Education at the final meeting of the fiscal year. 117

Of the foregoing appropriation item 200550, Foundation 118
Funding, up to \$3,800,000 in each fiscal year shall be used to 119
fund gifted education at educational service centers. The 120
Department shall distribute the funding through the unit-based 121
funding methodology in place under division (L) of section 122
3317.024, division (E) of section 3317.05, and divisions (A), 123
(B), and (C) of section 3317.053 of the Revised Code as they 124
existed prior to fiscal year 2010. 125

Of the foregoing appropriation item 200550, Foundation 126
Funding, up to \$40,000,000 in each fiscal year shall be reserved 127
to fund the state reimbursement of educational service centers 128
under the section of this act entitled "EDUCATIONAL SERVICE 129
CENTERS FUNDING." 130

Of the foregoing appropriation item 200550, Foundation 131
Funding, up to \$3,500,000 in each fiscal year shall be 132
distributed to educational service centers for School 133
Improvement Initiatives and for the provision of technical 134
assistance to schools and districts consistent with requirements 135
of section 3312.01 of the Revised Code. The Department may 136
distribute these funds through a competitive grant process. 137

Of the foregoing appropriation item 200550, Foundation 138
Funding, up to \$3,640,000 in fiscal year 2021 shall be used to 139
distribute grants of \$70,000 to each educational service center 140
to support the employment of a licensed independent social 141
worker who may coordinate policy implementation and other 142
services. 143

Of the foregoing appropriation item 200550, Foundation 144
Funding, up to \$7,000,000 in each fiscal year shall be reserved 145
for payments under section 3317.029 of the Revised Code, in 146
accordance with the section of this act entitled "OPERATING 147
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 148
sufficient, the Superintendent of Public Instruction may 149
reallocate excess funds for other purposes supported by this 150
appropriation item in order to fully pay the amounts required by 151
that section, provided that the aggregate amount appropriated in 152
appropriation item 200550, Foundation Funding, is not exceeded. 153

Of the foregoing appropriation item 200550, Foundation 154
Funding, up to \$26,400,000 in each fiscal year shall be used to 155
support school choice programs. 156

Of the portion of the funds distributed to the Cleveland 157
Municipal School District under this section, up to \$23,501,887 158
in each fiscal year shall be used to operate the school choice 159
program in the Cleveland Municipal School District under 160
sections 3313.974 to 3313.979 of the Revised Code. 161
Notwithstanding divisions (B) and (C) of section 3313.978 and 162
division (C) of section 3313.979 of the Revised Code, up to 163
\$1,000,000 in each fiscal year of this amount shall be used by 164
the Cleveland Municipal School District to provide tutorial 165
assistance as provided in division (H) of section 3313.974 of 166
the Revised Code. The Cleveland Municipal School District shall 167

report the use of these funds in the district's three-year 168
continuous improvement plan as described in section 3302.04 of 169
the Revised Code in a manner approved by the Department. 170

Of the foregoing appropriation item 200550, Foundation 171
Funding, up to \$2,000,000 in each fiscal year may be used for 172
payment of the College Credit Plus Program for students 173
instructed at home pursuant to section 3321.04 of the Revised 174
Code. An amount equal to the unexpended, unencumbered balance of 175
this earmark at the end of fiscal year 2020 is hereby 176
reappropriated for the same purpose for fiscal year 2021. 177

Of the foregoing appropriation item 200550, Foundation 178
Funding, an amount shall be available in each fiscal year to be 179
paid to joint vocational school districts in accordance with the 180
section of this act entitled "FUNDING FOR JOINT VOCATIONAL 181
SCHOOL DISTRICTS." 182

Of the foregoing appropriation item 200550, Foundation 183
Funding, up to \$700,000 in each fiscal year shall be used by the 184
Department for a program to pay for educational services for 185
youth who have been assigned by a juvenile court or other 186
authorized agency to any of the facilities described in division 187
(A) of the section of this act entitled "PRIVATE TREATMENT 188
FACILITY PROJECT." 189

Of the foregoing appropriation item 200550, Foundation 190
Funding, a portion may be used to pay college-preparatory 191
boarding schools the per pupil boarding amount pursuant to 192
section 3328.34 of the Revised Code. 193

Of the foregoing appropriation item 200550, Foundation 194
Funding, a portion in each fiscal year shall be used to pay 195
community schools and STEM schools the amounts calculated for 196

the graduation and third-grade reading bonuses under sections 197
3314.085 and 3326.41 of the Revised Code, in accordance with the 198
sections of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" 199
and "FUNDING FOR STEM SCHOOLS." 200

Of the foregoing appropriation item 200550, Foundation 201
Funding, up to \$1,172,000 in fiscal year 2020 and up to 202
\$1,760,000 in fiscal year 2021 may be used by the Department for 203
duties and activities related to the establishment of academic 204
distress commissions under section 3302.10 of the Revised Code, 205
to provide support and assistance to academic distress 206
commissions to further their duties under Chapter 3302. of the 207
Revised Code, and to provide technical assistance and tools to 208
support districts subject to academic distress commissions. 209

Of the foregoing appropriation item 200550, Foundation 210
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 211
Department of Education to conduct return on investment studies 212
for programming funded through student success and wellness 213
funds and to provide technical assistance to school districts on 214
implementing these strategies. 215

Of the foregoing appropriation item 200550, Foundation 216
Funding, up to \$100,000 in each fiscal year shall be used to 217
make payments under section 3314.06 of the Revised Code to each 218
community school that operates a program that uses the 219
Montessori method endorsed by the American Montessori society, 220
the Montessori Accreditation Council for Teacher Education, or 221
the Association Montessori Internationale as its primary method 222
of instruction for students younger than four years of age who 223
are enrolled in the school. 224

The remainder of the foregoing appropriation item 200550, 225
Foundation Funding, shall be used to fund the payments included 226

in the state funding allocation under division (A)(1) of the 227
section of this act entitled "FUNDING FOR CITY, LOCAL, AND 228
EXEMPTED VILLAGE SCHOOL DISTRICTS." 229

Appropriation items 200502, Pupil Transportation, 200540, 230
Special Education Enhancements, and 200550, Foundation Funding, 231
other than specific set-asides, are collectively used in each 232
fiscal year to pay state formula aid obligations for school 233
districts, community schools, STEM schools, college preparatory 234
boarding schools, and joint vocational school districts under 235
this act. The first priority of these appropriation items, with 236
the exception of specific set-asides, is to fund state formula 237
aid obligations. It may be necessary to reallocate funds among 238
these appropriation items or use excess funds from other general 239
revenue fund appropriation items in the Department of 240
Education's budget, including appropriation item 200903, 241
Property Tax Reimbursement - Education, in each fiscal year in 242
order to meet state formula aid obligations. If it is determined 243
that it is necessary to transfer funds among these appropriation 244
items or to transfer funds from other General Revenue Fund 245
appropriations in the Department's budget to meet state formula 246
aid obligations, the Superintendent of Public Instruction shall 247
seek approval from the Director of Budget and Management to 248
transfer funds as needed. 249

The Superintendent of Public Instruction shall make 250
payments, transfers, and deductions, as authorized by Title 251
XXXIII of the Revised Code in amounts substantially equal to 252
those made in the prior year, or otherwise, at the discretion of 253
the Superintendent, until at least the effective date of the 254
amendments and enactments made to Title XXXIII by this act. Any 255
funds paid to districts or schools under this section shall be 256
credited toward the annual funds calculated for the district or 257

school after the changes made to Title XXXIII in this act are 258
effective. Upon the effective date of changes made to Title 259
XXXIII in this act, funds shall be calculated as an annual 260
amount. 261

Section 4. That existing Sections 265.10 and 265.210 of 262
H.B. 166 of the 133rd General Assembly are hereby repealed. 263