



## Ohio Administrative Code

### Rule 109:5-3-01 Procedure for reporting incompetency records.

Effective: May 20, 2004

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(A) Not later than seven days after a person is found to be a mentally ill person subject to hospitalization by court order or becomes an involuntary patient other than one who is a patient only for purposes of observation, the probate judge who made the adjudication or the chief clinical officer of the hospital, agency, or facility in which the person is an involuntary patient shall transmit this form to the bureau of criminal identification and investigation.

(B) The foregoing shall be submitted to the bureau of criminal identification and investigation in one of the following ways:

(1) Through the mail to the "Bureau of Criminal Identification and Investigation, P.O. Box 365, London, Ohio 43140."

(2) Electronically in a format designated by the superintendent.

(C) This notification is required under section 5122.311 of the Revised Code for the purpose of conducting incompetency records checks pursuant to section 311.41 of the Revised Code (application to sheriff for concealed handgun permit).

(D) "Involuntary patient" means a person who is ordered to undergo treatment or continuing evaluation and treatment at a hospital, agency, or facility, or through an individual professional, under sections 2945.38, 2945.39, 2945.40, and 2945.402 of the Revised Code or committed to a hospital, facility, agency, alcohol drug addiction mental health services/community mental health board or other person or place under section 5122.141 or 5122.15 of the Revised Code.

"Involuntary patient" does not include persons admitted for purposes of evaluation pursuant to section 2945.371 of the Revised Code, or admitted for purposes of evaluation pursuant to section 2945.371 of the Revised Code, or for care, observation and treatment pending examination or hearing under section 5122.10 or 5122.11 of the Revised Code.



(E) "For purposes of observation" means held at a center, program or facility for purposes of evaluation pursuant to section 2945.371 of the Revised Code or admitted for purposes of care, observation and treatment pending examination or hearing pursuant to section 5122.10 or 5122.11 of the Revised Code.

(F) "Mentally ill person subject to hospitalization by court order" and "patient" are defined in section 5122.01 of the Revised Code.