



## Ohio Administrative Code

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

Effective: December 2, 2025

---

(A) Not later than seven days after a person is found to be a person with a mental illness subject to 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 the form and manner prescribed by the superintendent. To comply with Ohio Administrative Code Chapter 4501:2-10, the probate judge who made the adjudication or the chief clinical officer of the hospital, agency or facility where the person is an involuntary patient shall, no less than annually, validate the following in the form and manner prescribed by the superintendent:

(1) the adjudication has not been vacated, overturned, or otherwise set aside

(2) the information previously reported to the bureau of criminal identification and investigation by the probate judge or the chief clinical officer, based upon records in possession of the probate judge or chief clinical officer, is accurate, current, and complete.

(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) "Person with a mental illness subject to court order" and "patient" are defined in section 5122.01 of the Revised Code.