



Ohio Revised Code

Section 340.037 Operation of facility to provide addiction or mental health services.

Effective: September 30, 2025

Legislation: House Bill 96

(A) Subject to division (B) of this section and rules adopted by the director of behavioral health after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, a board of alcohol, drug addiction, and mental health services may operate a facility or provide an addiction service or mental health service if both of the following apply:

(1) The director gives the board prior approval;

(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.

(B)(1) In an emergency situation, a board may operate a facility or provide an addiction service or mental health service in order to provide essential services for the duration of the emergency.

(2) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide an addiction service or mental health service for not longer than one year.

(3) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide an addiction service or mental health service for not longer than one year, except that the board may operate a facility or provide an addiction service or mental health service for more than one year with the prior approval of both of the following:

(a) The director;

(b) The board of county commissioners with jurisdiction over the service district or, if the service district is a joint-county district, a majority of the boards of county commissioners with jurisdiction



over the district.

(C) The director shall not do any of the following:

(1) Except in an emergency situation, give a board approval to operate a facility or provide an addiction service or mental health service unless the director determines that it is not feasible to have the department operate the facility or provide the service;

(2) Give a board that serves a service district with a population of less than one hundred thousand approval to operate a facility or provide an addiction service or mental health 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, community addiction services provider, or community mental health services provider;

(3) 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;

(4) 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.

(D) The director shall review and evaluate a board's operation of a facility and provision of addiction services or mental health services under this section.

(E) Nothing in this section authorizes a board to administer or direct the daily operation of any facility, community addiction services provider, or community mental health services provider. However, a facility or provider may contract with a board to receive administrative services or staff direction from the board under the direction of the governing body of the facility or provider.