



Ohio Revised Code

Section 5119.393 Complaint reporting and investigations.

Effective: September 30, 2025

Legislation: House Bill 96

(A) The department of behavioral health shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints.

(B) Any organization under contract with the department to receive and investigate complaints shall make reports to the department as follows:

(1) Not less than monthly, the contractor shall report the status of each pending investigation and shall report the outcome of each investigation that has been completed since the last report was made;

(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department.

(C)(1) With respect to complaints received by the department or a contractor of the department, information and records received, collected, or generated by the department or a contractor pursuant to an investigation, and reports that are made under division (B) of this section, all of the following apply to those items, subject to division (C)(2) of this section:

(a) The items are confidential and not public records under section 149.43 of the Revised Code.

(b) The items are exempt from the provisions of Chapter 1347. of the Revised Code.

(c) The items are not subject to discovery in any civil action.



(2)(a) The items described in division (C)(1) of this section shall be disclosed if required by law.

(b) The items described in division (C)(1) of this section may be disclosed to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents.

(c) The items described in division (C)(1) of this section may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part thereof that contains names or other identifying information about residents, complainants, or others whose confidentiality was protected by the department or its contractor when the items were in the possession of the department or contractor. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(d) The items described in division (C)(1) of this section may be included in the registry established and maintained under section 5119.394 of the Revised Code, but the department shall make its best effort to do so in a manner that protects the confidentiality of complainants, individuals or organizations providing information about a complaint, and recovery housing residents. The department may refer to any of the foregoing in the registry as long as it removes personally identifying information or uses any other technique it considers appropriate to maintain confidentiality.