



Ohio Revised Code

Section 5122.02 Application for voluntary admission.

Effective: August 3, 2021

Legislation: Senate Bill 2

(A) Except as provided in division (D) of this section, any person who is eighteen years of age or older and who is, appears to be, or believes self to be mentally ill may make written application for voluntary admission to the chief medical officer of a hospital.

(B) Except as provided in division (D) of this section, the application also may be made on behalf of a minor by a parent, a guardian of the person, or the person with custody of the minor, and on behalf of an adult incompetent person by the guardian or the person with custody of the incompetent person.

Any person whose admission is applied for under division (A) or (B) of this section may be admitted for observation, diagnosis, care, or treatment, in any hospital unless the chief clinical officer finds that hospitalization is inappropriate, and except that, in the case of a public hospital, no person shall be admitted without the authorization of the board of the person's county of residence.

(C) If a minor or person adjudicated incompetent due to mental illness whose voluntary admission is applied for under division (B) of this section is admitted, the court shall determine, upon petition by private or otherwise appointed counsel, a relative, or one acting as next friend, whether the admission or continued hospitalization is in the best interest of the minor or incompetent.

The chief clinical officer shall discharge any voluntary patient who has recovered or whose hospitalization the officer determines to be no longer advisable. In the case of a voluntary patient who refuses to accept treatment consistent with the written treatment plan required by section 5122.27 of the Revised Code, the chief clinical officer may file an affidavit under section 5122.11 of the Revised Code. If the chief clinical officer decides not to file such an affidavit and to, instead, discharge the patient, and a trial court or prosecutor had, within the past twelve months, filed an affidavit in probate court pursuant to division (B)(1)(a)(v)(I) of section 2945.38 of the Revised Code relating to the patient, the chief clinical officer, to the extent that the chief clinical officer has knowledge of the patient's prior status, shall immediately notify such trial court or prosecutor of the



intent to discharge. Not later than three court days after being notified of the intent to discharge, the trial court or prosecutor may file or cause to be filed with the court of the county where the patient is hospitalized, or the court of the county where the patient resides, an affidavit under section 5122.11 of the Revised Code. If such an affidavit is filed, the patient's discharge must be postponed until a hearing under section 5122.141 of the Revised Code is held.

(D) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not voluntarily admit the person or be voluntarily admitted to a hospital pursuant to this section until after the final termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.