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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 126  
133<sup>rd</sup> General Assembly

## Bill Analysis

[Click here for S.B. 126's Fiscal Note](#)

**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Manning

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### SUMMARY

- Authorizes a mental health professional to provide a crisis assessment to a minor without parental consent or knowledge under specified circumstances.
- Requires the Director of Mental Health and Addiction Services to adopt rules identifying the types of mental health professionals who may provide the crisis assessments.
- Requires a professional who provided an assessment to make a good faith effort to notify the minor's parent, guardian, or legal custodian about the assessment as soon as practicable.
- Makes an appropriation.

### DETAILED ANALYSIS

#### Crisis assessment without parental consent

The bill authorizes a mental health professional to provide a crisis assessment to a minor of any age without parental consent or knowledge if both of the following are the case:<sup>1</sup>

- The professional believes that the minor may be suicidal or may pose a risk of physical harm to others or the professional has received credible information from an adult supervising the minor that the minor may be suicidal or may pose a risk of physical harm to others; and
- The minor's parent, legal guardian, or custodian is not available to provide consent.

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<sup>1</sup> R.C. 5122.04(B)(1).

As soon as practicable after the crisis assessment, the mental health professional must make a good faith effort to notify the minor’s parent, legal guardian, or custodian that the assessment was provided.<sup>2</sup>

Under existing law not modified by the bill, a mental health professional may already provide not more than six sessions or 30 days of outpatient mental health services (whichever occurs sooner) to a minor 14 years of age or older without parental consent or knowledge, if the minor requests the services.<sup>3</sup>

The bill requires the Director of Mental Health and Addiction Services to adopt rules identifying the types of mental health professionals who are permitted to provide the crisis assessments and outpatient mental health services to minors 14 years of age and older, as described above.<sup>4</sup> Under current law, it is unclear which mental health professionals may provide the outpatient mental health services because of a cross-reference to a statute that no longer includes a definition of “mental health professional.”<sup>5</sup> The same error is present in a provision governing Medicaid coverage of certain mental health services. For that reason, the bill makes a corrective change to require the Department of Medicaid and Department of Mental Health and Addiction Services to specify the types of mental health professionals who are permitted to render or supervise the services in a contract they must enter into under existing law.<sup>6</sup>

## Appropriation

The bill makes an appropriation of up to \$3,640,000 for FY 2021 (to be distributed in grants of up to \$70,000 to each educational service center) to support the employment of licensed independent social workers.<sup>7</sup>

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## HISTORY

Action	Date
Introduced	04-09-19
Reported, S. Health, Human Services & Medicaid	05-26-20
Passed Senate (31-1)	05-27-20

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<sup>2</sup> R.C. 5122.04(B)(2).

<sup>3</sup> R.C. 5122.04(A).

<sup>4</sup> R.C. 5122.04(C).

<sup>5</sup> R.C. 5122.04(E), repealed by the bill.

<sup>6</sup> R.C. 5164.15(A)(2) and (C).

<sup>7</sup> Section 3.