



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Audra Tidball

Sub. S.B. 319 131st General Assembly (H. Finance)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Passed by the Senate)	Sub. Version (L-131-2372-4)
Civil immunity for peace officers relative to naloxone	No provision.	Provides peace officers with qualified immunity from civil liability for any injury, death, or loss to person or property that allegedly arises from obtaining, maintaining, accessing, or administering naloxone (R.C. 2925.61(E)).
Filling prescriptions for opioid analgesics	Prohibits dispensing or selling an opioid analgesic pursuant to a prescription more than 14 days after it was issued, unless the prescription indicates the earliest date on which it may be filled and not more than 14 days have elapsed since that date.	Same, but if a prescription indicates the earliest date on which it may be sold, the following conditions must also be satisfied: (1) The prescription must be one of multiple prescriptions for the opioid analgesic issued by the prescriber to the patient on a single day;

* This corrected version includes a description of the substitute bill's provisions related to the licensure of methadone treatment providers that was inadvertently omitted from the original synopsis.

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	<p>Permits the State Board of Pharmacy to adopt rules establishing limitations on the authority to dispense or sell an opioid analgesic. (R.C. 4729.45.)</p>	<p>(2) When combined, the prescriptions must not authorize the patient to receive more than a 90-day supply of the opioid analgesic.</p> <p>Replaces that provision with a provision permitting the Board to adopt rules further limiting the amount of an opioid analgesic that may be dispensed or sold or reducing the time in which a prescription for an opioid analgesic may be filled. (R.C. 4729.45.)</p>
<p>Restrictions on wholesale sales of dangerous drugs to unlicensed locations and prescribers employed by those locations</p>	<p>Prohibits a wholesale distributor of dangerous drugs from possessing for sale, selling, or distributing dangerous drugs at wholesale to prescribers who are employed by unlicensed pain management clinics and office-based opioid treatment facilities.</p> <p>Removes a prohibition in current law prohibiting a wholesale distributor from possessing for sale or selling dangerous drugs at wholesale to certain business entities that are, or are operating, an unlicensed pain management clinic. (R.C. 4729.51(C).)</p>	<p>Same, but regarding office-based opioid treatment facilities, specifies that the prohibition applies to <i>unlicensed</i> facilities (if such a license is required for the facility).</p> <p>No provision (i.e., maintains current law).</p> <p>Extends a similar prohibition to certain business entities that are, or are operating, unlicensed office-based opioid treatment facilities (if such a license is required for the facility). (R.C. 4729.51(C).)</p>
<p>Effective date for office-based opioid treatment licensure</p>	<p>No provision.</p>	<p>Provides that the bill's provisions requiring licensure of office-based opioid treatment facilities take effect 120 days after the bill's general effective date (Section 8).</p>

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Methadone treatment licensure requirements	<p>Requires the Ohio Department of Mental Health and Addiction Services (ODMHAS) to adopt rules to revise the requirements governing licensure of methadone treatment providers, including a requirement that the provider be able to meet treatment standards in federal law and accepted standards for medical care for opioid treatment services established by the American Society of Addiction Medicine.</p> <p>Requires the rules to be adopted within 180 days of the bill's general effective date. (Section 5).</p> <p>Makes the changes to Ohio law governing licensure of methadone treatment facilities effective 180 days after the bill's general effective date. (Section 8).</p>	<p>Same, but requires the standards of medical care to be those established by a nationally recognized standards organization selected by the Director and also requires that the provider have a plan to meet the federal treatment standards.</p> <p>Instead provides that if ODMHAS has not adopted the rules by, or if the rules are not in effect on, June 1, 2017, it cannot issue any licenses to maintain methadone treatment until those rules are adopted and in effect. (Section 5).</p> <p>Makes those changes effective June 1, 2017. (Section 8).</p>
Opioid analgesics – prior authorization or utilization review	No provision.	<p>Requires certain health insurers and the Medicaid program to apply prior authorization requirements or utilization review measures as conditions of providing coverage of opioid analgesics.</p> <p>When implementing the required prior authorization or utilization review, requires the health insurer or Medicaid program to consider all of the following:</p> <p>(1) If the course of treatment with the drug continues for more than 90 days, the current law</p>

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		<p>requirements regarding physician management of chronic pain;</p> <p>(2) If the morphine equivalent daily dose for the drug exceeds 80 milligrams or the individual is being treated with a benzodiazepine at the same time the opioid analgesic is prescribed, the current opioid prescribing guidelines established by the Governor's Cabinet Opiate Action Team.</p> <p>Does not require prior authorization requirements or utilization review measures when an opioid analgesic is prescribed under any of the following circumstances:</p> <p>(1) To a hospice patient in a hospice care program;</p> <p>(2) To any other patient diagnosed with a terminal condition;</p> <p>(3) To treat cancer or another condition associated with cancer. (R.C. 1739.05, 1751.691, 3923.851, 5164.091, and 5167.12.)</p>
Mental illness prevention services	No provision.	Provides that the term "mental health services," as used in laws governing ODMHAS and boards of alcohol, drug addiction, and mental health services (ADAMHS boards), includes services for the prevention of mental illness (R.C. 5119.01(A)(15)).



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Gambling addiction services	No provision.	Provides that services for the treatment of persons with gambling addictions are not subject to ODMHAS certification (R.C. 5119.01, 340.01, 340.03, 340.036, 5119.36, and 5119.366).
Availability of recovery supports	No provision.	Provides for ADAMHS boards to make recovery supports available, and to perform related functions, as part of the process of making addiction services and mental health services available (R.C. 340.08, 340.01, 340.011, 340.03, 340.032, 340.033, 340.034, 340.036, 340.041, 340.09, 340.091, 340.10, 340.12, 340.13, 340.20, 2929.13, 2929.15, 4511.191, 5119.01, 5119.10, 5119.21, 5119.22, 5119.221, 5119.23, 5119.25, 5119.28, 5119.36, 5119.362, 5119.366, 5119.42, 5119.60, 5119.61, and 5122.31).
Recovery supports defined	No provision.	Defines "recovery supports" as assistance that is intended to help an individual who is an alcoholic or has a drug addiction or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcoholism, drug addiction, or mental illness (R.C. 5119.01(A)(16)).
Recovery supports certification	No provision.	Requires the ODMHAS Director to adopt rules specifying the types of recovery supports for which certification must be obtained from the Director and exempts certain recovery housing from certification as a recovery support (R.C. 5119.36(E)(1), 340.034(B), and 5119.01(A)(6)(c)).



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Recovery supports contract restriction	No provision.	Prohibits an ADAMHS board from contracting for recovery supports that are required by the ODMHAS Director to meet quality criteria or core competencies, unless the recovery supports meet those requirements (R.C. 340.036(B)(3)).
Continuum of care elements	No provision.	Revises the list of services and supports that must be included in an ADAMHS board's continuum of care (R.C. 340.032).
Continuum of care waiver	No provision.	Permits the ODMHAS Director to issue to an ADAMHS board a time-limited waiver of the requirement that the board's continuum of care include all of the otherwise required essential elements if the Director determines that the board has made reasonable efforts to include the elements being waived (R.C. 5119.221, 340.032(A), 340.08(B), 5119.01(A)(13), and 5119.22(F)(5) and (G)).
Services and supports for opioid and co-occurring drug addiction	No provision.	Requires that the addiction services and recovery supports for opioid and co-occurring drug addiction that are part of a continuum of care include peer support, residential services, and multiple paths to recovery such as 12-step approaches (R.C. 340.033).
Ambulatory detoxification and medication-assisted treatment waiver	No provision.	Permits the ODMHAS Director to issue to an ADAMHS board a waiver of the requirement that addiction services and recovery supports for opioid and co-occurring drug addiction include ambulatory detoxification and medication-assisted treatment if the Director makes certain determinations (R.C. 5119.221, 340.033, and 5119.22(F)(5)).

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Medication-assisted treatment for alcoholism	No provision.	Provides that medication-assisted treatment includes services that are accompanied by medication approved for the treatment or prevention of alcoholism. (Current law addresses such treatment only with respect to mental illness.) (R.C. 340.01(A)(2) and 340.033.)
Prior experience not basis for denial of services and supports	No provision.	Provides that an individual is not to be denied a service or support for opioid and co-occurring drug addiction included in a continuum of care on the basis of the individual's prior experience with the service or support (R.C. 340.033).
Waiting lists for addiction services and supports	No provision.	Revises the duties of community addiction services providers, ODMHAS, and ADAMHS boards regarding waiting lists for addiction services and recovery supports for opioid and co-occurring drug addiction included in a continuum of care (R.C. 340.20, 5119.362, and 5119.364).
Priorities addressed in annual plans	No provision.	Requires an ADAMHS board's annual plan to address ODMHAS's priorities for facility services, addiction services, mental health services, and recovery supports and requires ODMHAS to inform all ADAMHS boards of the priorities in a timely manner (R.C. 340.03(A)(1)(c)).
Partial withholding of funds	No provision.	Requires ODMHAS to withhold in whole or in part, instead of in whole, funds otherwise to be allocated to an ADAMHS board if the board's use of state and federal funds fails to comply with the board's approved budget (R.C. 340.08 and 5119.25).



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Assistance to counties	No provision.	<p>Maintains a requirement that ODMHAS provide assistance to any county for certain ADAMHS board-related activities.</p> <p>Requires ODMHAS to provide the assistance for one or more of the activities instead of all of the activities. (R.C. 340.09.)</p>
Technical assistance procedures	No provision.	Requires the ODMHAS Director to establish procedures for offering technical assistance to ADAMHS boards regarding plans, budgets, and lists of services and supports (R.C. 5119.22(F)(4)).
Community behavioral health information system	No provision.	Prohibits, except under certain circumstances, ODMHAS from collecting any personal information from providers as part of a community behavioral health information system (R.C. 5119.22(E)).
Consultation with providers	No provision.	Provides that it is not necessary for a community addiction or mental health services provider to be providing services supported by an ADAMHS board in order for the board's executive director to consult with the provider (R.C. 340.041).
Purchases of addiction services and supports	No provision.	Provides that a law governing the Ohio Department of Administrative Services' purchases of services and supplies does not apply to ODMHAS contracts for addiction services or recovery supports provided to alcoholics or individuals addicted to drugs or gambling (R.C. 5119.10(B)(8)).

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Annual report	No provision.	Requires that an annual report ODMHAS submits to the Governor include the number and types of addiction services and recovery supports provided to severely mentally disabled persons (R.C. 5119.60).
Statistics regarding gambling addiction	No provision.	Requires that ODMHAS compile statistics and other information on the care, treatment, and rehabilitation of persons with, or in danger of developing, a gambling addiction (R.C. 5119.61).
Disclosing mental health information	No provision.	Eliminates a prohibition against ODMHAS disclosing to the Ohio Department of Rehabilitation and Correction and the Ohio Department of Youth Services certain mental health information about an inmate or offender unless the inmate or offender is notified, receives the information, and does not object (R.C. 5122.31(A)(13)).
Encouragement of addiction and mental health rehabilitative services	No provision.	Eliminates a requirement that an ADAMHS board's executive director encourage the development and expansion of rehabilitative services in the fields of addiction services and mental health services (R.C. 340.041(F)).
Discrimination regarding services, employment, and contracts	No provision.	Removes creed from, and adds ancestry and military status to, the classes that are protected against discrimination by ADAMHS boards, community addiction services providers, and community mental health services providers for purposes of services, employment, and contracts (R.C. 340.12 and 5119.25(A)(2)).

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Referrals for residential facilities	No provision.	Specifies that the residential facilities for which ADAMHS boards must perform referral duties are residential facilities in the category known as "class two" (R.C. 340.03(A)(14)).
Residential State Supplement program	No provision.	Specifies that a residential facility must be a class two residential facility to be a permissible living arrangement for a recipient of the Residential State Supplement program (R.C. 5119.41(D)(1)(b)).

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