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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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Office

H.B. 41  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Lanese and Liston

Jason Hoskins, Attorney

### SUMMARY

- Adds forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees to the list of professions, consolidated in continuing law into the term “designated public service worker,” whose residential and familial information is exempted from disclosure under the Public Records Law.
- Defines “forensic mental health provider” as any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board that has contact in the course of their duties with persons committed to the board by a court order.
- Defines “mental health evaluation provider” as an individual who examines a respondent who is alleged to be a mentally ill person subject to court order, and reports to the probate court on the respondent’s mental condition.
- Defines “regional psychiatric hospital employee” as any employee of the Department of Mental Health and Addiction Services who, in the course of the employee’s duties, has contact with patients committed to the Department by a court order.

### DETAILED ANALYSIS

#### **Residential and familial information of certain mental health workers not a public record**

Under continuing Public Records Law, any person may request to inspect or obtain copies of public records from a public office. When it receives a public records request, and unless part or all of a record is exempt from release, a public office must provide inspection of the requested records promptly and at no cost, or provide copies at cost within a reasonable

period of time.<sup>1</sup> The residential and familial information of designated public service workers are exempt from public disclosure.<sup>2</sup> The law defines “designated public service worker” as a “peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.”<sup>3</sup> The bill expands the definition of “designated public service worker” to include a forensic mental health provider, mental health evaluation provider, or regional psychiatric hospital employee, thus exempting their residential and familial information from disclosure under the Public Records Law.<sup>4</sup>

The bill defines those added terms in the following manner:<sup>5</sup>

- “Forensic mental health provider” means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who has contact in the course of their duties with persons committed to the board by a court order finding the person incompetent to stand trial or not guilty by reason of insanity or conditionally releasing the person.<sup>6</sup>
- “Mental health evaluation provider” means an individual who, under the law regarding the hospitalization of the mentally ill, examines a respondent who is alleged to be a mentally ill person subject to court order for hospitalization, and reports to the probate court the respondent’s mental condition.
- “Regional psychiatric hospital employee” means any employee of the Department of Mental Health and Addiction Services who has contact in the course of their duties with persons committed to the Department by a court order described in the first dot point above.

Under continuing law, and generally under the bill for forensic mental health providers, mental health evaluation providers, and regional psychiatric hospital employees, a designated public service worker’s residential and familial information exempt from the Public Records Law includes:<sup>7</sup>

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<sup>1</sup> R.C. 149.43(B).

<sup>2</sup> R.C. 149.43(A)(1)(p).

<sup>3</sup> R.C. 149.43(A)(7).

<sup>4</sup> R.C. 149.43(A)(7).

<sup>5</sup> R.C. 149.43(A)(9).

<sup>6</sup> By reference to R.C. 2945.38, 2945.39, 2945.40, and 2945.402, not in the bill.

<sup>7</sup> R.C. 149.43(A)(8) and (9).

- The address of the actual personal residence of a designated public service worker (other than a prosecuting attorney or judge), except for the state or political subdivision in which the worker resides;
- Information compiled from referral to or participation in an employee assistance program;
- The Social Security number, residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information of, a designated public service worker;
- The name of any beneficiary of employment benefits, including life insurance benefits, provided to a designated public service worker by the worker's employer;
- The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the worker's compensation, unless state or federal law requires the amount of the deduction;
- The name, residential address, employer, employer's address, Social Security number, residential telephone number, bank account, debit card, charge card, or credit card number, or emergency telephone number of the spouse, former spouse, or any child of a designated public service worker; and
- A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.<sup>8</sup>

There is one exception to the general exemption of a designated public service worker's residential and familial information from disclosure under the Public Records Law. Continuing law allows a journalist to submit a written and signed request to a public office that employs a person whose residential and familial information is exempted from the Public Records Law for the actual personal address of the person.<sup>9</sup> The journalist also may request the name and address of the employer of the person's spouse, former spouse, or child if that person also is employed by a public office.<sup>10</sup> Therefore, this process applies to a forensic mental health provider, mental health evaluation provider, or regional psychiatric hospital employee under the bill.

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<sup>8</sup> R.C. 149.43(A)(8) and (A)(9).

<sup>9</sup> R.C. 149.43(B)(9)(a).

<sup>10</sup> R.C. 149.43(B)(9)(a).

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## HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Civil Justice	03-03-21
Passed House (93-1)	03-10-21

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