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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Committee Amendment Comparative Synopsis

H.B. 439

134th General Assembly

House Civil Justice

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This table summarizes how the latest version of the bill (I_134_1535-1)¹ differs from the As Introduced 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.

Previous Version (As Introduced)	Latest Version (As Amended by House Civil Justice (I_134_1535-1))
Definition of “mentally ill person subject to a court order”	
<p>Establishes an additional category under which an individual may be considered a mentally ill person subject to a court order: if the person represents a substantial risk of harm to self or others as manifested by evidence that indicates the following:</p> <ul style="list-style-type: none"> ▪ The person’s judgment is impaired by a lack of understanding of having an illness or a need for treatment, or both; ▪ The person refuses treatment or is not adhering to prescribed treatment; ▪ If not treated and based on the person’s prior history, the person is reasonably expected to suffer mental deterioration 	<p>Limits the new category the bill establishes to individuals with an existing diagnosis of schizophrenia, schizoaffective disorder, bipolar disorder, delusional disorder, or major depressive disorder as defined by the most recent Diagnostic and Statistical Manual (DSM) (R.C. 5122.01(B)(5)(c)).</p>

¹ The latest version of the bill engrosses and harmonizes the following amendments that have been adopted by the committee: AM-134-2360, AM-134-2518-1, AM-134-2917, and AM-134-2918.

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and, as a result of that deterioration, meet one of four standards for a mentally ill person subject to a court order specified in continuing law (<i>R.C. 5122.01(B)(5)</i>).	
Substantial risk of harm to self or others	
Eliminates the requirement for emergency hospitalization that an individual must represent a substantial risk of physical harm to self or others if allowed to remain at liberty pending an examination (<i>R.C. 5122.10(A)(1), (2), and (B)</i>).	Restores this requirement and modifies it to remove the requirement that the substantial risk of harm that an individual represents be a risk of physical harm (<i>R.C. 5122.10(A)(1), (2), and (B)(1)</i>).
Statements required for transport	
No provision.	With regard to the written statement required to be given to a hospital by an individual authorized to transport a mentally ill person subject to a court order under existing law, specifies that the statement is not invalid if the statement identifies a general hospital as the hospital receiving the person (<i>R.C. 5122.10(B)(1)</i>).
No provision.	Requires a general hospital that receives a written statement described above to transmit the statement to a hospital licensed by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) when the general hospital transfers the person about whom the statement was made to such a hospital (<i>R.C. 5122.10(B)(1)</i>).
No provision.	In addition to the written statement described above, adds a requirement that, when transporting a person under the new category established by the bill, an individual authorized to transport the person must specify certain available relevant information about the history of the person's mental illness if the information has a reasonable bearing on the decision to transport the person, including information from treatment providers, family members, and the person being transported (<i>R.C. 5122.10(B)(2)</i>).

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General hospital requirements	
No provision.	<p>Adds the following exceptions to the existing law requirement that a mentally ill person subject to a court order who is taken into custody and transferred to a general hospital be transferred to a hospital licensed by OhioMHAS within 24 hours:</p> <ul style="list-style-type: none"> ▪ The treating physician determines the individual is not medically stable to be transferred; ▪ The general hospital is unable to identify an OhioMHAS-licensed hospital willing to treat the individual (<i>R.C. 5122.10(E) and (F)</i>).
No provision.	<p>Specifies that if a licensed physician responsible for diagnosing or treating mental illness, a licensed clinical psychologist, psychiatrist, or other health officer examines a person transported to a general hospital, and determines that the person is not a mentally ill person subject to a court order, the general hospital may release or discharge the person if the person is medically stable, unless a court has issued a temporary order of detention applicable to the person (<i>R.C. 5122.10(G)</i>).</p>
No provision.	<p>Specifies that the above provision is not to be construed as requiring a general hospital to have the resources for or provide the staff identified above to make such a determination (<i>R.C. 5122.10(G)</i>).</p>