

Opting Out Guidelines for CMH and ADAMHS Boards

Purpose:

The purpose of these guidelines is to establish criteria and a process to determine if a Board has met the conditions specified in Ohio Revised Code 5119.62(B)(4) to elect not to accept the distribution of its allocated ALI 408 funds. These guidelines are further intended to clarify the responsibilities of the Ohio Department of Mental Health (ODMH) to determine the use of the non-elected distribution.

Context:

ODMH and the Boards maintain an ongoing responsibility to jointly work together to sustain a local community mental health system that is responsive to the mental health needs of the county residents. This should be accomplished through Board and the Department joint planning and evaluation of the local mental health service/support delivery system and through the identification and management of resources. Opt Out should be a tool of last resort, as a Board considering this option would forego a significant source of funding for the local service delivery system

Background:

ORC 5119.62(B)(4) notes two conditions under which a Board may choose to elect not to accept the distribution of its 408 allocation. The two conditions are:

- (1) The total general revenue funds estimated by the ODMH to be allocated to the Board for the next fiscal year is reduced by a **substantial amount** in comparison to the amount allocated for the current fiscal year for reasons not related to performance
- (2) The amount of estimated general revenue funds to be allocated to the board is not reduced by a **substantial amount** but the board has experienced **other circumstances** specified in the guidelines.

Definitions:

1) Substantial Amount: Total GRF allocations to a Board is reduced by 15 % or greater from the current state fiscal year year end allocations for reasons not related to performance; or

2) Other Circumstances: Any other circumstance mutually agreed to by both the Department and the

Board, including but not limited to

- a) Increase in the hospital per diem rate
- b) Increase in Medicaid match requirements
- c) Loss of provider network
- d) Loss of a levy
- e) Local occurrence of a significant man-made or natural disaster

Proposed Process to Opt Out:

A written notice shall be sent to the Director of ODMH by May 1 of the year preceding the year a Board intends to Opt Out or within 30 days of an event that would force a Board to consider the decision to Opt Out. This written notice shall include the following:

- a) An approved Board resolution to Opt Out
- b) A copy of the notice of the public hearing held to discuss the plan to opt out., the date the notice was released, and a listing of where it was posted
- c) A summary of the public hearing comments including the date of the public hearing scheduled no later than seven days before making notification to the Director of Mental Health and the number of persons in attendance at the hearing
- d) Declaration of the condition that permits a board to not elect distribution of 408 allocation
- e) A statement of the projected utilization of state hospitals and other state-operated services by residents of the Board's service district during the state fiscal year.

Authorization and Responsibilities of ODMH to Determine the Use of the Allocation:

In the event that a Board elects to not accept the amount of funds allocated to it, and meets the conditions and follows the process for opting out, the Board authorizes ODMH to determine the use of its 408 allocation. ODMH may utilize the funds for the provision of mental health services to individuals in the Board's service district.

Additionally, ODMH and the Board will contact the following relevant local constituencies and notify them of the Opt-Out decision, and may seek their input concerning the local system of care;

- a) Consumers and Families
- b) County Commissioners
- c) Local Sheriff and Jail Administrators
- d) Local Hospital Emergency Departments
- e) Juvenile and Probate Judges
- f) Law Enforcement
- g) Local Mental Health Agencies and Community Support Networks (CSNs)
- h) Local / Regional Private Psychiatric Hospitals