

5122:2-1-03

**County withdrawal from a joint-county community mental health board.**

- (A) The purpose of this rule is to establish the criteria and procedures for department of mental health authorization of the withdrawal by one or more board(s) of county commissioners from participation in a joint-county community mental health board.
- (B) The provisions of this rule are applicable to all counties which participate in joint-county community mental health boards and particularly to each board of county commissioners which proposes to withdraw from a joint-county board.
- (C) Procedures for requesting withdrawal.
- (1) The board(s) of county commissioners of the county or counties requesting withdrawal shall submit to the director of the department of mental health and to the commissioners and mental health boards of each county in the joint-county board a resolution of the county commissioners requesting withdrawal together with a comprehensive written plan which shall include:
- (a) Reasons for requesting such withdrawal;
  - (b) Description of the proposed new board service district and a map showing all relevant civil subdivisions, major lines of transportation, and location of mental health, health, and social service agencies in the proposed new board district to be comprised of or to include the withdrawing county(ies);
  - (c) Analysis and projection of the demographic and organizational elements to be affected including
    - (i) Projection, for at least four years from the proposed first year, of the populations in the proposed new and remaining board service districts, respectively, and
    - (ii) Identification of any existing contractual networks of mental health service programs which cross county boundaries and which would be disrupted if the proposed withdrawal occurs; and if a disruption is contemplated, a plan to assure continued service to clients must be included in the general plan;
  - (d) Evidence of the adequacy of community interest and of potential resources in the proposed new board service district, including the endorsement of civic and professional leaders and the adequacy of

funding resources within the proposed new board service district, to support the organization and delivery of mental health services and programs which meet at least the minimum program standards of the department, including services to client population groups in the district that are designated by the department for high priority (such as the severely mentally disabled population group);

- (e) Evidence that relevant community organizations, including at least all mental health, health, and social service agencies within the proposed new board service district, have been informed in writing of the proposed new board service district, its population and funding resources in relation to ability to provide needed services in accordance with the approved board comprehensive annual plan as required by section 340.03 of the Revised Code, and that these agencies have been invited to submit written comments to the board(s) of county commissioners in the proposed new board service district; and
- (f) Evidence that a public hearing has been announced to all relevant agencies and to the general public within the proposed new board service district to be comprised of or to include the withdrawing county(ies), that such a public hearing has been conducted, and evidence of all written ~~comments~~ comments and other testimony received.
- (g) Evidence that any county withdrawing from a joint-county board would continue to have levied against its tax list and duplicate any tax levied by the district during the period in which the county was a member of the joint-county board until such time as the levy expires or is renewed or replaced.
- (h) Evidence of the provision for the equitable adjustment and division of all mental health services, assets, property, debts, and obligations, if any, of the joint-county district.

~~(2) If the population within the proposed new board service district or within the remaining part of the existing joint-county district would be less than fifty thousand (according to the most up-to-date count, estimate, or projection of county populations that is reported by the data users center of the department of community development) during approximately the next five years, including the fiscal year when the withdrawal plan would become effective, the standards and procedures in rule 5122:2-1-02 of the Administrative Code must be complied with for establishing a district with a population of less than fifty thousand.~~

(D) Review by the department

- (1) On receipt of the written proposed plan by the department, the director shall consider the request for withdrawal to assure:
  - (a) Compliance with all required standards and procedures in paragraph (C) of this rule;
  - (b) That relevant organizations and the general public have had the opportunity for comment and that all substantive, relevant questions, issues, and complaints have been appropriately resolved;
  - (c) That the remaining county or counties from which the withdrawal is proposed are able to assure continuation of services and programs which meet at least minimum program standards of the department.
- (2) However, if substantive issues have not been resolved, or the proposed plan is not generally endorsed, or if the director has reason to believe the proposed plan is not in the best interest of the citizens of the county or the currently existing district, the director may, within thirty days of receipt of the proposed plan, request that a hearing be held to examine the relevant facts and opinions in order to make a decision. The hearing process shall be as follows:
  - (a) Reasonable public notice shall be given prior to the date set for the hearing and shall include:
    - (i) A statement that the department of mental health will hold a hearing on the proposed plan for withdrawal of one or more county(ies) from a joint-county district, and
    - (ii) The date, time and place of the hearing. All efforts will be made to hold the hearing in the county(ies) requesting withdrawal.
  - (b) On the date, time and place designated in the notice, the department of mental health will conduct a hearing at which any person or representative of any organization affected by the proposed action of the county may appear and be heard in person. Written or oral comment may be provided.
  - (c) The director shall designate a hearing officer to preside at said hearing. Such officer shall review the testimony and make a recommendation within thirty days to the director.

- (3) The director shall notify the requesting board(s) of county commissioners of the department's approval or disapproval of the proposed plan in writing within sixty days after the department's receipt of the proposed plan for withdrawal, or within sixty days after the date of the hearing.
- (4) No county participating in a joint-county community mental health service district may withdraw therefrom without the consent of the director nor earlier than one year after the submission of such resolution unless all of the participating counties agree to an earlier withdrawal.

Effective: 03/22/2012

R.C. 119.032 review dates: 12/30/2011 and 03/22/2017

CERTIFIED ELECTRONICALLY

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Certification

03/12/2012

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Date

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