

Note: Upload completed document to the Electronic Rule Filing System.

Hearing Date: 6/22/2023

Today's Date: 6/26/2023

Agency: Ohio Department of Mental Health and Addiction Services

Rule Number(s): 5122-2-04, 5122-7-02, and 5122-22-01

If no comments at the hearing, please check the box. ☒

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Click here to enter text.
2. Click here to enter text.
3. Click here to enter text.
4. Click here to enter text.
5. Click here to enter text.
6. Click here to enter text.
7. Click here to enter text.
8. Click here to enter text.
9. Click here to enter text.
10. Click here to enter text.
11. Click here to enter text.
12. Click here to enter text.
13. Click here to enter text.
14. Click here to enter text.
15. Click here to enter text.
16. Click here to enter text.

Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

OhioMHAS did not receive any comments on these rules before, during, or after the hearing.

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

OhioMHAS did not incorporate Ms. Caraway's suggestion. OhioMHAS is precluded from making this change because of Ohio Constitution article VIII, section 4. This section forbids extending the credit of the state in favor of private enterprises:

“The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the state ever hereafter become a joint owner, or stockholder, in any company or association in this state, or elsewhere, formed for any purpose whatever.”

Also, “[s]ection 6 of Article VIII has long been construed to prohibit a “business partnership between a municipality and individuals or private corporations or associations. It forbids the union of public and private capital or credit in any enterprise whatsoever.” *Alter v. Cincinnati* (1897), 56 Ohio St. 47, 63, 46 N.E. 69, 70, quoting *Walker v. Cincinnati* (1871), 21 Ohio St. 14, 54. Section 6 specifies:

“No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, any such company, corporation, or association: provided, that nothing in this section shall prevent the insuring of public buildings or property in mutual insurance associations or companies. Laws may be passed providing for the regulation of all rates charged or to be charged by any insurance company, corporation or association organized under the laws of this state, or doing any insurance business in this state for profit.”