

5122-xx-xx Service Certification procedure; deemed status

(A) The purpose of this rule is to state the procedures for certification of community mental health and alcohol and drug addiction services in Ohio, when the applicant is seeking deemed status.

(B) The provisions of this rule are applicable to ~~all of~~ the following ~~public and private~~ Ohio community mental health and addiction services providers ~~seeking deemed status, regardless of whether they receive~~ state or federal funds, funds administered by an alcohol, drug addiction and mental health services board, or any public funds that originate and/or pass through the Ohio department of mental health and addiction services:

- (1) Alcohol and drug addiction services
- (2) Gambling addiction services
- (3) Mental health services
- (4) Detoxification programs.
- (5) Driver intervention programs

(C) The provisions of this rule are not applicable to the following programs:

- (1) Community addiction and mental health services and programs located outside of the state of Ohio.
- (2) Accredited community addiction and mental health services providers or programs not seeking deemed status

(D) An Ohio community addiction or mental health services provider or program that has received accreditation and is applying for deemed status from the department according to rule [5122-25-03](#) of the Administrative Code shall file an application that includes:

(1) Name, address, telephone number and county of each site to be certified by the Ohio department of mental health and addictions services. A location which would be considered the client's natural environment (e.g. school, home, job and family services agency) is not considered a site.

(2) Legal name as filed with the Ohio secretary of state, including any fictitious name ("doing business as") if applicable;

(3) Address(es) and telephone number(s) at which the applicant operates and address for legal notice and correspondence;

(4) Name and e-mail address of executive director, chief executive officer or president; and

(5) Name, phone number and e-mail address of designated contact person who shall be the primary contact on behalf of the provider or program;

(6) A list of services according to Chapter 5122-29 of the Administrative Code to be provided during the term of certification; and

(7) A description of the provider or program's purpose, mission and goals if an applicant is applying for its first certification.

(8) Identification of the statutory corporate agent for service; and corporate information including the following upon request of the department. Before requesting this information, the department shall first attempt to obtain the information from the Ohio secretary of state website.

(9) If applicant is an out-of-state corporation, a copy of the Ohio secretary of state issued certificate of registration to do business in Ohio.

(10) For any site which has not been approved or accredited by the applicant's accrediting body, copies of approved physical inspections, either initial or renewal, for each building owned or leased, including:

(a) A building inspection by a local certified building inspector or a certificate of occupancy issued by the department of industrial relations, to be re-inspected whenever there are major alterations or modifications to the building or facility. An additional building inspection shall be required for any major change in the use of space that would make the facility subject to review under different building code standards;

(b) Annual approved fire inspection, which shall be free of deficiencies, by a certified fire authority, or where there is none available, by the division of the state fire marshal of the department of commerce; and

(c) Water supply and sewage disposal inspection for facilities in which these systems are not connected with public services to certify compliance with rules of the department of health and any other state or local regulations, rules, codes or ordinances.

(11) Notification if the provider or program uses seclusion and/or restraint in accordance with rule 5122-26-16 of the Administrative Code.

(12) The documentation required in rule [5122-25-03\(C\)](#) of the Administrative Code.

(13) Documentation for the Department's consideration of reciprocity with another state department's licensing, certification/licensure or approval requirements, in accordance with rule [5122-25-03](#) (D) of the Administrative Code.

(E) Upon receipt of an application, the department shall review the materials to determine if they are complete. If an application is incomplete, the department shall notify the applicant of corrections or additions needed, and/or may return the materials to the applicant. Incomplete materials, including failure to pay the full certification fee, shall not be considered an application for certification, and return of the materials or failure to issue a certificate shall not constitute a denial of an application for certification.

(F) Following the department's acceptance of materials as a complete application, the department shall determine whether the applicant's behavioral health accreditation is appropriate for the services in which the applicant is requesting accreditation. If so, the department shall issue the certification without further evaluation of the services, except that the department may conduct an on-site review or otherwise evaluate the provider or program for cause, including complaints made by or on behalf of consumers and confirmed or alleged deficiencies brought to the attention of the department

In conducting an on-site review or other evaluation, the department shall have access to all records necessary to verify compliance with certification standards applicable to the provider or program and may conduct interviews with staff, others in the community, and clients with client permission. When scheduling on site review's, the department shall notify appropriate mental health boards(s) and invite their participation, pursuant to division (A)(3) of section [340.03](#) of the Revised Code. Exit interviews with staff shall be conducted during the on-site review.

(G) Programs shall correct deficiencies identified during a provider or program review conducted by the Ohio department of mental health and addiction services and documentation of correction of the deficiencies shall be sent to the department within the time frame specified in the follow-up report.

(H) If a provider or program adds a service or activity subject to certification during the term of certification, the provider or program shall submit the documentation required in rule 5122—26-xx of the Administrative Code. Upon determination by the department that the provider or program has obtained appropriate behavioral health accreditation, the department will issue a certification to provide that service or activity.

(I) If a provider or program adds a new site during the term of certification, the provider or program shall submit documentation required in paragraph (A)(10) of this rule, or evidence that the site has been approved by its accrediting body. Upon determination by the department that the site is in compliance with certification standards, the department will certify the agency to provide any or all of its certified services at that location.

(H) Each provider or program shall submit an application for certification renewal no fewer than sixty days prior to the expiration of the current certificate.

Effective: xx/xx/xxxx

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