

xxxx:2-1-01 Certification of non-deemed community addiction and mental health services providers

(A) The purpose of this rule is to state the procedures for certification of community mental health and addiction services in Ohio, when the applicant is not 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 ~~not seeking deemed status, regardless of whether they~~ receiving 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 services or programs:

- (1) Community addiction and mental health services providers and programs located outside the state of Ohio.
- (2) Accredited community addiction and mental health services providers or programs seeking deemed status

(D) Any Ohio community addiction or mental health services provider, detoxification program, or driver intervention program subject to or seeking initial or renewal certification pursuant to

section 5119.36 or 5119.38 of the Revised Code shall apply to the Ohio department of mental health and addiction services by filing an application. A provider or program shall file one application per provider or program, inclusive off all sites and services.

The application shall include the following:

(1) Name, address, telephone number and county of each ~~program~~ 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, owner 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-xx of the Administrative Code to be provided during the term of certification; and

(7) A description of the provider's 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 additional corporate information 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, a copy of an occupancy and use certificate issued by the division of construction compliance of the Ohio department of commerce or issued by an Ohio certified building department of a municipal corporation, township or county which has been established in conformity with law for the purpose of enforcing the “Ohio Basic Building Code” for the location where the services will be provided.

(11) For any site, a copy of a fire inspection approved within the past twelve months by an Ohio certified fire authority or by the division of the state fire marshal of the Ohio department of commerce for the location where services will be provided.

(12) Copy of current Ohio food services operator’s license if required by the Ohio department of health.

(13) Designation of any board(s) of alcohol, drug addiction, and mental health services, alcohol and drug addiction board(s), or community mental health board(s) (“board(s)”) through which the applicant expects to receive funds.

(14) If a provider is seeking certification for ‘other’ mental health services as defined in rule [5122-29-27](#) of the Administrative Code, that are funded in whole or in part by board, and for which there are no specific certification standards, the name of the service, a brief description of the service, and a letter of approval from the board shall be submitted.

(15) List of clinical staff, and license number(s), and licensing body(ies), if applicable.

(16) Residential, halfway house treatment, detoxification programs shall indicate the number of alcohol and other drug beds for each type of treatment service or program.

(17) Documentation and justification supporting requests for waivers or variances of certification standards, or documentation of any existing waivers or variances from the department regarding the certification standards if the provider or program is seeking renewal of certification.

(18) A service plan according to the provisions listed in 5122-xxx of the Administrative Code.

(19) Notification of the utilization of seclusion and/or restraint in accordance with rule 5122-xx-xx of the Administrative Code. If seclusion and/or restraint is/are utilized, copies of current policies and procedures on use of seclusion or restraint.

(20) The application shall be signed and dated by the executive director, owner, CEO or president of the organization. Applications may be submitted electronically or via fax.

(E) Upon receipt of an application, the Ohio department of mental health and addiction services shall:

(1) If the provider or program wishes to contract with board(s), notify, in writing, the board(s) of an application for initial certification.

(2) Review the application to determine if it is complete.

(3) 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. The department's return of the materials

to the applicant or failure of the department to take further action to issue a certificate shall not constitute denial of an application for certification.

(4) The department may schedule and conduct an on-site review of and/or otherwise evaluate the applicant's services and activities. At least thirty days before a scheduled on-site review date, the applicant shall notify board(s) with which the provider or program wishes to contract of the on-site review date, in writing.

~~(5) The department shall send the program a letter confirming the date of the on-site inspection.~~

~~(6) The department shall notify, in writing, the applicable mental health and/or alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board of the date of the on-site inspection.~~

(F) The Ohio department of mental health and addiction services shall may conduct an on-site review at the time of the initial or renewal application, with official written notice to the provider or program, or at any other time for cause as determined by the department, with or without official written notice to the provider or program.

(G) The Ohio department of mental health and addiction services shall have access to all relevant records to verify compliance with certification standards as established by department rules. The department may conduct interviews with members of the provider's or program's governing authority, provider or program staff, others in the community and/or clients, with the clients' permission.

(H) The Ohio department of mental health and addiction services shall prepare a follow-up report for the certification review of the provider or program.

(1) The report shall cite any standards with which the provider or program was not in compliance at the time of the review.

(2) The Ohio department of mental health and addiction services shall provide a copy of the certification review report to the provider or program, and to board(s), as applicable.

(3) Providers or programs shall correct deficiencies identified during a certification 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 survey report.

(I) The Ohio department of mental health and drug addiction services shall issue a certificate to each applicant complying with the program certification standards.

(1) The department shall provide the provider or program with the original certificate, and provide a copy of the certificate to applicable board(s).

(2) The provider or program site shall display the certificate in a prominent location where services are provided.

(3) A certificate extends to all services for which the provider or program is certified, and at all locations for which it is certified to provide services.

(J) Types of Certificates

(1) “Full ” means a certificate issued by the Ohio department of mental health and addiction services for the period of up to three

Comment [JMP1]: At some point in this rule, perhaps starting with this paragraph, the identical language needs to be added to the deemed status rule OR most of the following is put in a separate rule(s), e.g. “Terms of Certification or Licensure”, “Variances”, etc. These are applicable to both.

years in accordance with section [5119.36](#) or 5119.38 of the Revised Code.

(2) “Conditional ” means a certificate issued by the Ohio department of mental health and addiction services, which is valid for no more than one hundred twenty days. An interim license will be issued in accordance with section [5119.36](#) of the Revised Code.

(a) If the provider or program is seeking initial certification for emergency purposes, applicant may be granted a conditional certificate. Conditional certificates granted for emergency purposes may not be renewed.

(b) If the provider or program is seeking certification or has been certified , but serious deficiencies are found during the department’s review for compliance with the certification standards or for cause, the applicant may be granted a conditional certificate. Conditional certificates granted pursuant to this provision are subject to provider’s or program’s submission and adequate progress on a corrective action plan approved by the department, and may be renewed once.

(K) A provider or program shall submit written notification of a new site location to the Ohio department of mental health and addiction services at least thirty days prior to relocation, including documentation for the site described in sections (D)(10, (11) and (12) of this rule. Certificates issued as a result of a relocation of a provider or program site shall have the same expiration date as the certification of the original provider or program site.

(L) Procedure for renewal of certification for currently certified providers or programs:

(1) All providers or programs certified by the department of mental health and addiction services as an outpatient treatment program, residential treatment program, or a detoxification program shall be

certified for a certification period not to exceed three years, ~~and shall renew upon completion of the assurance statement as indicated in paragraph (x)(x) of this rule.~~

(M) Variances.

(1) The Ohio department of mental health and addiction services may grant a variance from any certification standard, or portion thereof, for the period during which the certification is in effect.

(2) “Variance” means written permission granted by the Ohio department of mental health and addiction services to a provider or program to be exempted from or meet a modified requirement of a rule or specific provision of a rule of the Administrative Code or other certification standard.

(3) Requests for variances of certification standards shall be in writing to the Ohio department of mental health and addiction services and shall include:

(a) The administrative rule number and standard for which a variance is sought.

(b) The rationale for requesting the variance.

(c) Documentation by the provider or program that assures the Ohio department of mental health and addiction services that the quality of services and client safety shall not be jeopardized if the variance is granted.

(d) The consequences of not receiving approval of the requested variance.

(4) The Ohio department of mental health and addiction services shall issue a written statement to the provider or program granting

or denying a request for variance of certification standards. Approval shall be for a for a period of time determined by the department, but that shall not exceed the expiration date of the current certificate. A copy of the written statement shall be provided to any applicable board.

~~(5) The program shall maintain a file copy of all requests for variances and the approval or denial of the requests for the period during which the certification or licensure is in effect.~~

(N) The Ohio department of mental health and addiction services may deny or revoke certification for one or more of the following reasons:

(1) The provider or program fails to comply with any certification standard;

(2) The provider or program misuses or fails to properly account for the disbursement of state or federal funds;

(3) The provider or program knowingly provides false information to the Ohio department of mental health and addiction services, a board, or other entity;

(4) The provider or program knowingly permits an employee to falsify information on client records;

(5) The provider or program is aware of an employee who has abused or neglected a client and has failed to take appropriate disciplinary action to correct the situation;

(6) The provider or program fails to provide access to its records as requested by the Ohio department of mental health and addiction services.

(7) Denial, revocation or termination would be in the best interest of the citizens of Ohio.

(O) The Ohio department of mental health and addiction services shall give the provider or program written notice by certified mail, return receipt requested, if it intends to deny or revoke certification. The notice shall include:

(1) The standard(s) with which the provider or program was found to be in non-compliance and/or other reason(s) for the action.

(2) The section(s) of the law or rule(s) involved.

(3) A statement informing the provider or program that it is entitled to a hearing if it submits the request for hearing within thirty days of the time of the mailing of the notice.

(4) A statement that at the hearing, the provider's or program's representative may appear in person and/or be represented by its attorney or may present its position, arguments or comments in writing and at the hearing it may present evidence and examine witnesses appearing for and against it. A copy of the notice shall be mailed to the attorney or other representative of record representing the provider or program.

(P) If a provider or program requests a hearing, the Ohio department of mental health and addiction services shall set the date, time and place for the hearing within fifteen days, but not earlier than seven days, after the provider or program has requested a hearing unless otherwise agreed upon by both the department and the provider or program. A copy of the hearing notice shall be mailed to the provider's or program's representative or its attorney.

(1) The Ohio department of mental health and addiction services shall conduct the adjudication hearing following the procedures in section [119.09](#) of the Revised Code and among other things may appoint a referee or hearing examiner to conduct the proceedings and make recommendations as appropriate.

(2) The Ohio department of mental health and addiction services shall provide the provider or program a certified copy of its decision by certified mail, return receipt requested.

(3) If the Ohio department of mental health and addiction services' decision after the hearing is to deny or revoke certification, the provider or program shall be informed of its right to appeal and file its notice of appeal of the decision within fifteen days of the mailing of the notice of the department's order.

(4) If the provider or program decides to appeal the Ohio department of mental health and addiction services' decision, the provider or program shall appeal the order of the department to the court of common pleas of the county in which it the provider's or program's place of business is located. The provider's or program's notice of appeal is to be filed with the department and must state the order appealed from and the grounds of the appeal. A copy of the provider's or program's appeal must be filed with the court of common pleas in the county in which the appeal is being filed.

(5) Within thirty days after receipt of a notice of appeal, the Department shall send to the common pleas court a complete record of the proceedings in the case by certified mail, return receipt requested.

(Q) Sanction:

(1) Any provider or program which has had its certification revoked pursuant to this rule shall not be eligible to apply to the Ohio department of mental health and addiction services for certification for at least five years from the date of revocation without the written consent of the department.

(2) Any provider or program which has been denied certification pursuant to this rule shall not be eligible to apply to the Ohio

department of mental health and addiction services for certification for at least three years from the date of denial without the written consent of the department.

(R) Certification shall be considered void and invalid if a provider or program: fails to follow the procedures for renewal of certification; voluntarily relinquishes the certificate for certification, or; goes out of business or is sold or otherwise conveyed to another entity.

(S) The provider or program shall immediately notify the Ohio department of mental health and addiction services in writing of any changes in its operations that affect the provider's or program's continued compliance with the department's certification requirements.

(T) All providers or programs shall be in compliance with all applicable federal, state and local laws and regulations.

Effective: xx/xx/20xx

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