

5122-24-01 Certification definitions.

(A) Purpose

The purpose of this rule is to provide definitions for key words and phrases used in the department certification standards.

(B) Applicability

The following definitions apply to Chapters 5122-24 to 5122-29 of the Administrative Code:

(1) "Abuse" means any act or absence of action inconsistent with human rights which results or could result in physical injury to a person served, unless the act is done in self defense or occurs by accident; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense against a person served under that chapter; insulting or coarse language or gestures directed toward a person served which subjects the person served to humiliation or degradation; or depriving a person served of real or personal property by fraudulent or illegal means. For children, the definition of abuse is the same as in sections 2919.22 and [2151.031](#) of the Revised Code.

(2) "Acceptability" means the way in which the agency ensures that its services and activities are sensitive to the individual needs of people, and that the agency addresses issues of freedom of choice, and of ethnic, racial, gender and cultural characteristics. Acceptability includes seeking out the advice of people being served, or of populations who may not be receiving sufficient services as reflected by a comparison of community demographics and the demographics of persons served by the agency, in order to understand how acceptability varies within the general population.

(3) "Accessibility" means the ability for persons served to enter, approach, communicate with, or make use of the services of an agency, including but not limited to the need for bilingual staff, minority-specific programming, staffing patterns that reflect community demographics and adequacy of hours of operation.

(4) "Activity" means an action performed by an agency that does not constitute a mental health service as defined in paragraph (B)(91) of this rule, and therefore does not have a cost per unit, but that is reimbursable by the department, either as an activity, e.g., research, or as a portion of the unit cost of services, e.g., administrative.

(5) "Activity therapist" (AT/QMHS) means an individual who has training and demonstrates competency to assist people in developing or maintaining creative physical or social skills through participation in social and other activities, and who also meets the requirements of a "qualified mental health specialist" as defined in paragraph (B) (96) of this rule. The training may be acquired by education, experience, or a combination of both.

(6) "Administer" means the direct application of a single drug to the body of a client either by injection, inhalation, ingestion or any other means. The complete act of administration entails the following:

(a) Removal of an individual dose from a previously dispensed, properly labeled container;

(b) Verification of drug dose with the practitioner's order;

(c) Properly identifying the client before giving the individual dose; and

(d) Properly recording the time and dose given in the client's integrated clinical record.

(7) "Administrative supervision" means to monitor the administrative aspects of a service or group of services within an agency.

(8) "Admission" means an agency's decision to offer direct services to a person, and includes opening an integrated clinical record for the person at the time of the first admission to the agency.

(9) "Affiliation agreement" means a signed, written understanding among two or more organizations that describes how they will work together to benefit persons in the community.

(10) "Affirmative action plan" means the identification and analysis of employment opportunities for minority persons in an agency, and a plan to achieve equal employment opportunity.

(11) "Agency" means:

(a) Any agency, subcontract agency, facility, or organization funded by a community mental health board to provide the mental health services listed in section [340.09](#) of the Revised Code;

(b) Any community mental health board approved by the department in accordance with division (A)(6) of section [340.03](#) of the Revised Code to provide any of the mental health services listed in section [340.09](#) of the Revised Code, or any mental health board determined by the department to be providing a service subject to department approval;

(c) Any residential facility licensed according to section 5119.22 of the Revised Code that provides any of the mental health services listed in rules [5122-29-03](#) to [5122-29-27](#) of the Administrative Code; and

(d) Any agency providing a service approved by the community mental health board and the director of mental health as listed in division (R) of section [340.09](#) of the Revised Code.

"Community Mental Health Agency" has the same meaning and may be referred to as "Agency," "Subcontract Agency," "Facility," or "Organization."

(12) "Aide" (Aide) means an individual who is registered with the state board of psychology according to agency 4732of the Administrative Code.

(13) "Appropriateness" means actions, treatment or service that promote empowerment, dignity, and self-worth as defined by the person served in consultation with the individuals providing the service.

(14) "Art therapist" (ATR) means an individual who is registered as an art therapist with the "art therapy credentials board".

(15) "Assistant" (Assistant) means an individual who is registered with the state board of psychology according to agency 4732of the Administrative Code.

(16) "Career exploration" means one aspect of a vocational service in which agency staff work with a person to assess vocational interests and aptitudes in preparation for employment.

(17) "Certificate" means the official document containing the department's written authorization to the agency to operate specific services or activities. These services and activities are those which are included in the agency's contract or sub-contract with the community mental health board or for which a non-contract agency has voluntarily applied.

(18) "Certification" means the written authorization from the department for an agency to operate specific services and provide activities according to Chapters 5122-24 to 5122-29 of the Administrative Code. These services and activities are those which are included in the agency's contract or sub-contract with the community mental health board or for which a non-contract agency has voluntarily applied.

(19) "Certification standards" means the requirements as stated in rules 5122-24-01 to [5122-29-27](#) of the Administrative Code with which an agency must comply in order to receive certification by the department to provide mental health services and activities listed in section [340.09](#) of the Revised Code. These services and activities are those which are included in the agency's contract or sub-contract with the community mental health board or for which a non-contract agency has voluntarily applied.

(20) "Certified Nurse Practitioner" (CNP) means a registered nurse who holds a current, valid certificate of authority issued

by the Ohio board of nursing that authorizes the practice of nursing as a nurse practitioner in accordance with Chapter 4723. of the Revised Code.

(21) "Certified therapeutic recreation specialist" (CTRS), means an individual certified as a certified therapeutic recreation specialist by "the national council for therapeutic recreation certification".

(22) "Client" means a person admitted by an agency for mental health services or who receives mental health services from an agency. "Persons," "Persons Receiving Services," "Persons Being Served," "Persons Served", or "Consumer" has the same meaning as client. The terms include all categories of persons of all ages, unless specified.

(23) "Clinical nurse specialist" (CNS) means a registered nurse who holds a current, valid certificate of authority issued by the Ohio board of nursing that authorizes the practice of nursing as a clinical nurse specialist in accordance with Chapter 4723. of the Revised Code.

(24) "Community mental health board" means the body constituted according to section [340.02](#) of the Revised Code, and has the same duties as described in section [340.03](#) of the Revised Code. Community mental health board means both a community mental health board and a board of alcohol, drug addiction and mental health services. If the term community mental health board is used, it also refers to a board of alcohol, drug addiction and mental health services.

(25) "Community mental health plan" means the plan for providing mental health services as developed by a community mental health board and approved by the department of mental health in accordance with section [340.03](#) of the Revised Code.

(26) "Community support system" means an array of services and activities that provides treatment, support, and rehabilitation services according to division (A)(11) of section [340.03](#) of the Revised Code.

(a) Location of persons in need of mental health services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health care, including, but not limited to outpatient, partial hospitalization, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) Provision of services designed to develop social, community, and personal living skills;

(g) Access to a wide range of housing and the provision of residential treatment and support;

(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;

(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;

(j) Grievance procedures and protection of the rights of consumers of mental health services; and

(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.

(27) "Consent" means agreement to participate in a research or treatment procedure on the basis of the subject's

understanding of its nature and possible risks and benefits.

(28) "Continuing education" means a process that is designed to improve or enhance the skills, knowledge, attitudes or competencies related to professional development of agency staff.

(29) "Counselor trainee" (CT) means an individual registered with the state of Ohio, counselor, social worker and marriage and family therapist board, as a counselor trainee according to agency 4757 of the Administrative Code.

(30) "Crisis" means a situation with a high stress level, for either an individual or a system, and where usual coping methods do not succeed in resolving the issues presented by the precipitating event. A crisis is usually short in duration, lasting less than eight to twelve weeks.

(31) "Culturally specific and relevant service" means a service that responds effectively to the values present in all cultures, including but not limited to such cultures as African American, Hispanic, Asian, Amish, native American, and deaf persons. This also includes participation by persons from such cultures in decision making, service design and evaluation.

(32) "Cultural ogical assessment" means the systematic appraisal or examination of individuals, groups and communities as to their cultural beliefs, values and practices to determine explicit needs and intervention practices within the cultural context of the people being evaluated, and includes the following domains:

- (a) Patterns of life style;
 - (b) Specific cultural values/norms;
 - (c) Cultural taboos/myths;
 - (d) Worldview and ethnocentric tendencies;
 - (e) General features that client perceives similar to other cultures;
 - (f) Health and life care rituals and rites of passage to maintain health;
 - (g) Folk and professional health/illness systems utilized;
 - (h) Degree of cultural change and acculturation noted;
 - (i) Caring behaviors;
 - (j) Cultural restrictions;
 - (k) Spiritual needs; and
- (1) Family

(33) "Department" means the Ohio department of mental health.

(34) "Destruction" means the act of making a drug unusable.

(35) "Director" means the chief executive and administrative officer of the Ohio department of mental health.

(36) "Dispense" means the professional judgment and the physical act of placing a specific drug in final association with the name of a particular client pursuant to the lawful prescription of a practitioner and according to paragraph (B) of rule [4729-5-01](#) of the Administrative Code. Dispensing includes the proper selection, measuring, packaging, labeling, and issuing of a

drug or biological for a client or a service unit. Only a pharmacist or physician may dispense medications.

(37) "Distribute" means the general system of moving drugs from a supplier to final destination, whether administered to a person served, stored, returned to supplier or destroyed.

(38) "DSM IIIR" means the "Diagnostic and Statistical Manual of Mental Disorders, III, Revised, American Psychiatric Association, 1987," or its successors.

(39) "Doctor of osteopathic medicine" (DO) means a doctor of osteopathic medicine who is a physician as defined in Chapter 4731. of the Revised Code.

(40) "Emergency" means a situation that is a matter of life or death or of extreme drastic loss of a person's ability to manage a potentially dangerous situation where the goal is avoidance of loss and minimization of risks.

(41) "Ethnic, minority, or cultural group" means population groups such as "African Americans", "Hispanic persons", "Asian persons", "native Americans", persons from the " Amish" culture, deaf persons or other groups that share a set of values or experiences that are important to understand in order to provide effective and relevant mental health services.

(42) "Executive director" means the individual responsible for the day-to-day operation of an agency. The executive director, as defined by this paragraph, may be referred to by other titles, such as "chief executive officer."

(43) "Governing board" means the designated individuals or governing body legally responsible for conducting the affairs of the agency.

(44) "Grievance" means a formal request for further review of any unresolved written complaint or a complaint containing allegations of the denial, exercise or violation of the rights of persons served. A grievance may be initiated either verbally or in writing by a person served, client, ex-client, or any other person or agency acting on behalf of a person served.

(45) "Hazardous materials" means any substance considered to be potentially harmful to humans, including, but not limited to, toxic chemicals or flammable substances.

(46) "Health officer" means any public health physician; public health nurse; or other person authorized by or designated by a city health district; a general health district; or a board of alcohol, drug addiction, and mental health services to perform the duties of a health officer according to Chapter 5122. of the Revised Code.

(47) "ICR" means individual client record as described in Chapter 5122-27 of the Administrative Code.

(48) "IEP" means an individualized education program designed by the child's school personnel that describes the specialized educational services to be provided by the school system.

(49) "Independent marriage and family therapist" (IMFT) means an individual who holds a current, valid license as an independent marriage and family therapist, issued by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(50) "Independent social worker" (ISW or ISW-S) means an individual who holds a current, valid license as an independent social worker, issued by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(51) "In-service education" means a process relating to specific job duties and responsibilities designed to improve or enhance specific content skills, knowledge, attitudes and competencies.

(52) "Interactive videoconferencing" means the use of secure, real-time audiovisual communications of such quality as to permit accurate and meaningful interaction between client and provider. This expressly excludes telephone calls, with the exception of calls made utilizing communication devices which allow visual interaction between the provider and deaf and

- hard of hearing individuals, images transmitted via facsimile machines, and text messages without visualization of the client, i.e., electronic mail. The client must be present and participating in the session.
- (53) "Intervention" means a procedure that is intended to produce a change in behavior, cognition, and/or physiological or biochemical process.
- (54) "ISP" means individualized service plan as described in rule [5122-27-05](#) of the Administrative Code.
- (55) "Licensed occupational therapist" (OT/L) means an individual who holds a current valid license as an occupational therapist from the Ohio occupational therapy, physical therapy, and athletic trainers board according to Chapter 4755. of the Revised Code.
- (56) "Licensed occupational therapy assistant" (OTA/L) means an individual who holds a current valid license as an occupational therapy assistant from the Ohio occupational therapy, physical therapy, and athletic trainers board according to Chapter 4755. of the Revised Code.
- (57) "Licensed practical nurse" (LPN) means an individual who holds a current, valid license as a licensed practical nurse from the Ohio board of nursing according to Chapter 4723. of the Revised Code.
- (58) "Licensed school psychologist" (L.S. PSY) means an individual who holds a current, valid license from the state board of psychology to practice school psychology according to Chapter 4732. of the Revised Code.
- (59) "Marriage and family therapist" (MFT) means an individual who holds a current valid license as a marriage and family therapist, issued by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.
- (60) "Master of science in nursing" (MSN) means an individual who holds a current, valid license as a registered nurse from the Ohio board of nursing according to Chapter 4723. of the Revised Code, and holds a masters degree in nursing with a specialization or concentration in psychiatric or mental health nursings
- (61) "Medical doctor" (MD) means an individual who is a physician licensed by the state medical board according to Chapter 4731. of the Revised Code to practice medicine, or a medical officer of the government of the United States while in this state in the performance of his or her official duties.
- (62) "Misconduct" means any act that may affect, interrupt or interfere with the performance of official duties and that is illegal or a wrongful performance or omission of a legal duty.
- (63) "Music therapistboard certified" (MT-BC) means an individual who is certified by "the certification board for music therapists".
- (64) "Neglect" means a purposeful or negligent disregard of duty by an employee or staff member. Such duty is one that is imposed on an employee or staff member by statute, rule, or professional standards and which is owed to the person served by that employee or staff member.
- (65) "Orientation" means a process designed to improve or enhance an employee's knowledge about his or her job responsibilities and physical environment to increase awareness of the expectations, choices, resources, and constraints that affect job performance and adjustment.
- (66) "Outcomes" means the impact on the system or person served.
- (67) "Parent" means the parent(s) having custody or the legal custodial agent for a minor.
- (68) "Person with serious emotional disturbance" means a person less than eighteen years of age who meets criteria that is a combination of duration of impairment, intensity of impairment and diagnosis.

(a) Criteria:

(i) Under eighteen years of age;

(ii) Marked to severe emotional/behavioral impairment;

(iii) Impairment that seriously disrupts family or interpersonal relationships; and

(iv) May require the services of other youth-serving systems (e.g., education, human services, juvenile court, health, mental health/mental retardation, youth services, and others).

(b) Marked-to-severe behavioral impairment is defined as impairment that is at or greater than the level implied by any of the following criteria in most social areas of functioning:

(i) Inability or unwillingness to cooperate or participate in self-care activities;

(ii) Suicidal preoccupation or rumination with or without lethal intent;

(iii) School refusal and other anxieties or more severe withdrawal and isolation;

(iv) Obsessive rituals, frequent anxiety attacks, or major conversion symptoms;

(v) Frequent episodes of aggressive or other antisocial behavior, either mild with some preservation in social relationships or more severe requiring considerable constant supervision; and

(vi) Impairment so severe as to preclude observation of social functioning or assessment of symptoms related to anxiety (e.g., severe depression or psychosis).

(c) An impairment that seriously disrupts family or interpersonal relationships is defined as one:

(i) Requiring assistance or intervention by police, courts, educational system, mental health system, social service, human services, and/or children's services;

(ii) Preventing participation in age-appropriate activities;

(iii) In which community (home, school, peers) is unable to tolerate behavior; or

(iv) In which behavior is life-threatening (e.g., suicidal, homicidal, or otherwise potentially able to cause serious injury to self or others).

(69) "Person with severe mental disability" means a person eighteen years of age or older with a severe mental or emotional disability who meets at least two of the three following criteria of diagnosis, duration, and disability:

(a) Diagnosis: the current primary diagnosis is delusional disorders (DSM IIIR 297.10); dissociative disorders (DSM IIIR 300.14); eating disorders (DSM IIIR [307.10](#), [307.51](#), [307.52](#)); mood disorders (DSM IIIR 296.3 x, 296.4 x, 296.5 x, 296.6 x, 296.70, 300.40, [301.13](#), 311.00); organic mental disorders (DSM IIIR 290.0, 290.10, 290.1x, 290.4 x, 294.10, 294.80); personality disorders (DSM IIIR 301.00, [301.20](#), [301.22](#), 301.40, 301.50, 301.60, 301.70, 301.81, 301.82, 301.83, 301.84, 301.90), psychotic disorders (DSM IIIR 395.40, 295.40, 295.70, 298.90); schizophrenia (DSM IIIR 295.1x, 295.2 x, 295.3 x, 295.6 x, 295.9 x); somatoform disorder (DSM IIIR [307.80](#)); other disorders (DSM IIIR [313.23](#), 313.81, 313.82); or other specified.

(b) Duration: the length of the problem can be assessed by either inpatient or outpatient use of service history, reported length of time of impairment, or some combination, including at least two prior hospitalizations of more than twenty-one days or any number of hospitalizations (more than one) totaling at least forty-two days prior to the assessment, or ninety to

three hundred sixty-five days in a hospital or nursing home within three prior years, or major functional impairment lasting more than two years, resulting in utilization of outpatient mental health services on an intermittent and/or continuous basis.

(c) Disability/functional impairment: severity of disability can be established by disruption in two or more life activities, including but not limited to: employment, contributing substantially to one's own financial support (not to be entitlements), independent residence, self-care, perception and cognition, stress management/coping skills, interpersonal and social relations.

(70) "Pharmacist" (PHAR) means an individual who holds a current, valid license from the Ohio board of pharmacy according to Chapter 4729. of the Revised Code.

(71) "Physical health assessment" means a comprehensive evaluation of a person's physical and emotional status including, but not limited to, physiological, emotional, nutritional and lifestyle components.

(72) "Physician" (MD) means the same as "medical doctor" and "doctor of osteopathic medicine."

(73) "Physician assistant" (PA) means an individual who is registered with the state of Ohio medical board as a physician assistant under Chapter 4730. of the Revised Code to provide services under the supervision and direction of a licensed physician or a group of physicians who are responsible for his or her performance.

(74) "Plan" means a written document related to a service or activity that describes goals and objectives, assigns responsibility for implementation, establishes outcome measures, and assigns responsibility for monitoring and reporting results.

(75) "Policy" means a written statement developed by an agency that gives specific direction regarding how the agency intends to operate, either administratively or programmatically. Policies are developed to ensure that agency staff perform their duties in a consistent manner and that the public can expect that all services and activities will be conducted according to the policy statement.

(76) "Practitioner" means a person eligible to provide a service in accordance with Chapter 5122-29 of the Administrative Code.

(77) "Prescribe" means the professional judgment of selecting a specific drug, dosage and schedule of administration appropriate to the therapeutic needs of a person served.

(78) "Principal" means a person who has controlling authority or is in a leading position, (e.g., executive director, chief financial officer, or chief clinical officer).

(79) "Professional clinical counselor" (PCC or PCC-S) means an individual who holds a current, valid license issued by the state of Ohio, counselor, social worker and marriage and family therapist board, as a professional clinical counselor according to Chapter 4757. of the Revised Code.

(80) "Professional counselor" (PC) means an individual who holds a current, valid license issued by the state of Ohio, counselor, social worker and marriage and family therapist board, as a professional counselor according to Chapter 4757. of the Revised Code.

(81) "Provisional professional clinical counselor" (PCC-ProV) means an individual who has been issued a temporary license as a provisional professional clinical counselor by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(82) "Provisional professional counselor" (PCC-ProV) means an individual who has been issued a temporary license as a provisional professional counselor by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(83) "PRN order" (pro re nata order) means a written practitioner's order for a medication, treatment, or procedure which is

only carried out when a person served manifests a specific, previously defined clinical or behavioral characteristic.

(84) "Procedure" means a written set of instructions describing the step-by-step actions to be taken by agency staff in implementing the policies of the agency.

(85) "Psychiatrist" (MD) means an individual who holds a current valid license to practice medicine according to section 4731. of the Revised Code, issued by the state medical board, who has satisfactorily completed a residency training program in psychiatry as approved by the residency review committee of the accreditation council for graduate medical education of the American medical association, the committee on postgraduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who has been recognized as of July 1, 1989, as a psychiatrist by the Ohio medical association or Ohio osteopathic association, on the basis of formal training and five or more years of medical practice limited to psychiatry, or who is a licensed physician working under a temporary license and completing a residency in psychiatry.

(86) "Psychoeducational milieu" means a treatment design based on a blending of mental health services and educational services.

(87) "Psychologist" (PSY) means an individual who holds a current valid license from the state board of psychology, issued under agency 4732 of the Revised Code and who, in addition, meets either of the criteria as set forth in divisions (T)(I) and (I)(2) of section 5122.01 of the Revised Code.

(88) "Psychology aide" (PSYaide) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(89) "Psychology assistant" (PSY Asst) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(90) "Psychology fellow" (PF) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(91) "Psychology intern" (PI) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(92) "Psychology postdoctoral trainee" (PPT) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(93) "Psychology resident" (PR) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(94) "Psychology trainee" (PT) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(95) "Purchase" means the act of requesting a drug(s) from a licensed supplier.

(96) "Qualified mental health specialist" (QMHS) means an individual who has received training for or education in mental health competencies and who has demonstrated, prior to or within ninety days of hire, competencies in basic mental health skills along with competencies established by the agency, and who is not otherwise designated as a provider or supervisor, and who is not required to perform duties covered under the scope of practice according to Ohio professional licensure. Basic mental health competencies for each QMHS shall include, at a minimum, an understanding of mental illness, psychiatric symptoms, and impact on functioning and behavior; how to therapeutically engage a mentally ill person; concepts of recovery/resiliency; crisis response procedures; an understanding of the community mental health system; de-escalation techniques and understanding how his/her behavior can impact the behavior of individuals with mental illness. The agency shall establish additional competency requirements, as appropriate, for each QMHS based upon the mental health services and activities to be performed, characteristics and needs of the persons to be served, and skills appropriate to the position.

(97) "Recovery" means a personal process of overcoming the negative impact of a psychiatric disability despite its continued presence. It is an interpersonal dynamic process of embracing hope, defining oneself, and participating in meaningful roles in the community.

(98) "Referral" means a recommendation to seek or request services and/or evaluation between agencies in order to assess or meet the needs of persons served. Referral, as used in "information and referral service", means the act of assisting an individual gain access to services of a community agency.

(99) "Registered nurse" (RN) means an individual who holds a current, valid license as a registered nurse from the Ohio board of nursing according to Chapter 4723. of the Revised Code.

(100) "Resiliency" means a dynamic process which takes into account the interaction of risk and protective factors, contextual conditions, as well as the individual's traits and abilities.

(101) "School psychology assistant" (S. PSY A.) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(102) "School psychology intern" (S. PSY I.) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(103) "School psychology trainee" (S. PSY T.) means an individual who is registered with the state board of psychology according to agency 4732 of the Administrative Code.

(104) "Self-administration" means a person taking medication independently.

(105) "Service" means any action named and defined in Chapter 5122-29 of the Administrative Code as a mental health service provided for persons served by the agency and their families and significant others, community organizations, and the general public for the purpose of treating or preventing mental illness, emotional disturbance, or substance abuse.

(106) "Significant others" means individuals who are significant and important to the well-being of a person served, as identified by the person served.

(107) "Social worker" (SW) means an individual who holds a current, valid license as a social worker, issued by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(108) "Social worker assistant" (SWA) means an individual who holds a current, valid license as a social worker assistant, issued by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(109) "Social worker trainee" (SWT) means an individual who is a graduate student seeking licensure as a social worker or an independent social worker who is currently enrolled in a practicum, internship or field work course in a social work education program accredited by the "Council on Social Work Education (CSWE)", and is registered as a social worker trainee with the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(110) "Standard" means a stated level of performance for a service or activity expressed as an accepted and adhered-to practice in the mental health service system.

(111) "Stock supply" means a volume of medications that are not dispensed, or not labeled with the specific name of a person served, and has the same meaning as "limited stock supply".

(112) "Student" means an individual enrolled in an educational program that is approved, certified or accredited, and who may provide mental health services as part of his/her practicum, internship, or field placement, and with appropriate supervision according to the requirements of the educational institution, applicable licensing board standards, and in coordination with applicable agency policies and procedures.

(113) "Supervise" means to monitor, instruct and be accountable for agency staff in their performance of clinical services to persons served according to the policies of the agency, and has the same meaning as "clinical supervision."

(114) "Temporary independent marriage and family therapist" (EVIFT-Temp) means an individual who has been issued a temporary license as an independent marriage and family therapist by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(115) "Temporary independent social worker" (ISW-Temp) means an individual who has been issued a temporary license as an independent social worker by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Ohio Revised Code.

(116) "Temporary marriage and family therapist" (MFT-Temp) means an individual who has been issued a temporary license as a marriage and family therapist by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(117) "Temporary social worker" (SW-Temp) means an individual who has been issued a temporary license as a social worker by the state of Ohio, counselor, social worker and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(118) "Termination" means the decision to no longer provide services to a person served by the agency.

(119) "Trained Other" (QMHS) means an individual who has received training for or education in mental health competencies and who has demonstrated, prior to or within ninety days of hire, competencies in basic mental health skills along with competencies established by the agency, and who is not otherwise designated as a provider or supervisor, and who is not required to perform duties covered under the scope of practice according to Ohio professional licensure. Basic mental health competencies for each QMHS shall include, at a minimum, an understanding of mental illness, psychiatric symptoms, and impact on functioning and behavior; how to therapeutically engage a mentally ill person; concepts of recovery/resiliency; crisis response procedures; an understanding of the community mental health system; de-escalation techniques and understanding how his/her behavior can impact the behavior of individuals with mental illness. The agency shall establish additional competency requirements, as appropriate, for each QMHS based upon the mental health services and activities to be performed, characteristics and needs of the persons to be served, and skills appropriate to the position. A trained other shall have the same definition and meaning as a "qualified mental health specialist" as defined in paragraph (B)(96) of this rule.

(120) "Transfer" means an agency's recommendation to discontinue providing one or more services to a person and to begin providing another service(s) in the same agency.

(121) "Variance" means written permission granted by the department to an agency to meet a modified requirement of a rule of the Administrative Code.

(122) "Waiver" means written permission granted by the department to an agency to be exempted from a rule or specific provision of a rule of the Administrative Code.

Effective: 03/04/2010

R.C. [119.032](#) review dates: 11/25/2009 and 03/04/2015

Promulgated Under: [119.03](#)

Statutory Authority: 5119.61(A), 5119.611(C)

Rule Amplifies: 5119.61(A), 5119.611(C)

Prior Effective Dates: 9/24/84, 8/9/85, 1/1/91, 6/30/95(Emer.), 9/24/95, 7/15/01, 10/1/03, 11/15/04, 1/9/06, 8/23/07, 12/13/2007, 7/1/2009

5122-25-01 Applicability.

(A) The provisions of the rules contained in this chapter are applicable to each agency providing mental health services that are funded by, or funding is being sought by, a community mental health board; is subject to department licensure according to section 5119.22 of the Revised Code; or that voluntarily requests certification. Any service contact(s) provided by an agency that is paid for in whole or in part by any community mental health board shall be subject to the provisions of this chapter.

(B) These rules do not diminish or enhance the authority of community mental health boards to administer the community mental health system pursuant to the Ohio Revised Code, and applicable federal law.

R.C. [119.032](#) review dates: 04/14/2009 and 04/14/2014

Promulgated Under: [119.03](#)

Statutory Authority: 5119.61(A), 5119.611(C)

Rule Amplifies: 5119.61(A), 5119.611(C)

Prior Effective Dates: 10-1-2003

5122-25-02 **Accreditation requirements.**

(A) An agency seeking certification for one or more of the following services ~~shall~~ may attain appropriate behavioral health accreditation ~~by~~ prior to submitting an application for certification:

- (1) Behavioral health counseling and therapy service as defined in rule 5122-29-03 of the Administrative Code;
- (2) Mental health assessment service as defined in rule 5122-29-04 of the Administrative Code;
- (3) Pharmacologic management service as defined in rule 5122-29-05 of the Administrative Code;
- (4) Partial hospitalization service as defined in rule 5122-29-06 of the Administrative Code;
- (5) Crisis intervention mental health service as defined in rule 5122-29-10 of the Administrative Code;
- (6) Community psychiatric supportive treatment (CPST) service as defined in rule 5122-29-17 of the Administrative Code; and/or
- (7) Intensive home based treatment (IHBT) service as defined in rule 5122-29-28 of the Administrative Code.

(B) Behavioral health accreditation referenced in paragraph (A) of this rule shall be obtained from one or more of the following accrediting bodies:

- (1) "The Joint Commission;"
- (2) "The Commission on Accreditation of Rehabilitation Facilities;" and/or
- (3) "The Council on Accreditation ~~for Children and Family Services.~~"

(C) The department may:

- (1) Add the names of other accrediting bodies to those listed in paragraph (B) of this rule if it determines that such bodies meet its accreditation requirements.
- (2) Likewise, the department may delete the names of accrediting bodies from those

listed in paragraph (B) of this rule if it determines that such bodies no longer meet its accreditation requirements.

(a) An agency accredited by a body the department chooses to delete from those listed in paragraph (B) of this rule shall remain certified until its current accreditation expires. If an agency wishes to retain certification after that time, it must attain accreditation from a body recognized by the department.

(D) An agency ~~required to attain appropriate behavioral health accreditation according to the paragraph (A) of this rule~~ granted deemed status in accordance with rule 5122-25-03 of the Administrative Code shall maintain its accreditation throughout its term of certification. Should an agency choose to not submit a renewal application to its accrediting body, the agency shall immediately notify the department and will be subject to a full certification survey.

~~(E) An agency seeking certification for one or more of the following services may, but is not required to, attain appropriate behavioral health accreditation prior to making application for certification:~~

~~(1) Intensive home based treatment (IHBT) service as defined in rule 5122-29-28 of the Administrative Code; and/or~~

~~(2) Assertive community treatment (ACT) service as defined in rule 5122-29-29 of the Administrative Code.~~

~~(F)~~(E) The agency shall inform the department, appropriate community mental health boards, and local client advocacy groups in writing of its accreditation survey date(s) at least thirty days prior to the beginning of a scheduled accreditation survey, or when the agency is given less than thirty days notice of a scheduled survey, within seven days of receiving notice from the accrediting body. An agency undergoing an unannounced or unscheduled accreditation survey shall inform the department within seven days after the conclusion of the unannounced or unscheduled accreditation survey.

Effective: 07/01/2013

R.C. 119.032 review dates: 04/16/2013 and 07/01/2018

CERTIFIED ELECTRONICALLY

Certification

06/21/2013

Date

Promulgated Under: 119.03
Statutory Authority: 5119.61(A), 5119.611(E)
Rule Amplifies: 5119.61(A), 5119.611(E)
Prior Effective Dates: 10/1/2003, 3/25/2004, 11/15/2004, 7/1/2005, 1/9/2006,
8/23/2007, 7/1/2009

5122-25-03 Deemed status and reciprocity.

(A) The department shall accept, as evidence of compliance with Chapters 5122-26 to 5122-29 of the Administrative Code, the agency's appropriate behavioral health accreditation by any of the following accrediting bodies: "The Joint Commission"; "The Commission on Accreditation of Rehabilitation Facilities"; and/or "The Council on Accreditation."

(1) The following certification standards are exempted from the above statement:

(a) Rule [5122-26-13](#) of the Administrative Code (incident notification);

(b) Rule [5122-26-19](#) of the Administrative Code (uniform cost reporting);

(c) Rule [5122-26-19.1](#) of the Administrative Code (actual uniform cost report (AUCR) agreed-upon procedures and report submission requirement); and

(d) Rule [5122-29-33](#) of the Administrative Code (health home service for persons with serious and persistent mental illness). This paragraph shall no longer be exempted from deemed status effective January 1, 2017.

(B) The department shall accept an agency's accreditation/certification/recognition as required by paragraph (F) of rule [5122-29-33](#) of the Administrative Code in lieu of promulgating standards for the provision of integrated physical health and behavioral health care as part of the health home service for persons with serious and persistent mental illness rule.

(C) An agency applying for deemed status by the department must submit the following:

(1) A copy of the certificate or license awarded by the accrediting body;

(2) A copy of the accreditation award notification letter; and

(3) A copy of each of the accrediting body's survey reports and any modifications made to the survey report.

(D) The department may also accept as documentation of the agency's compliance with certification standards, in whole or in part, official report(s) that the agency complies with comparable licensure and/or certification requirements of another state department.

(E) An agency must notify the department within ten days of any change to its accreditation, licensure and/or certification status, by providing a copy of the accreditation status change notification.

(1) Should an agency's accreditation, licensure and/or certification status be granted as or modified to probation, stipulations, conditional, provisional, deferral, preliminary denial or other similar status, the department may ask for additional documentation until such time as full accreditation status is restored. Full accreditation status means the accrediting body has issued an accreditation decision of "accredited" or "accreditation" without additional conditions or modifiers other than three-year or one-year accreditation.

(2) Should an agency's accreditation, licensure and/or certification status be denied, suspended or revoked by the accrediting and/or licensing/certifying body, the department shall withdraw deemed status and the agency shall be subject to a full certification survey and/or proposal to revoke certification in accordance with Chapter 119. of the Revised Code.

(F) The department may conduct surveys and/or review documentation of a sample of agencies having achieved appropriate behavioral health accreditation in order to evaluate whether the accreditation processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services. The department will communicate to an accrediting organization any identified concerns, trends, needs, and recommendations. The department shall have access to all records necessary to

evaluate the accrediting body processes, but may not conduct a survey or request documentation under this paragraph for the purpose of determining compliance with certifications standards.

Effective: 10/01/2012

R.C. [119.032](#) review dates: 07/17/2012 and 09/30/2017

Promulgated Under: [119.03](#)

Statutory Authority: [5119.61\(A\)](#), [5119.611](#), [5119.612](#)

Rule Amplifies: [5119.61\(A\)](#), [5119.611](#), [5119.612](#)

Prior Effective Dates: 1/1/2004, 7/22/2004, 7/1/2005, 1/9/2006, 11/24/2011

5122-25-04 Certification procedure.

(A) Any agency subject to or seeking certification shall apply to the department by filing an application.

(1) An agency 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:

(a) Identifying information including:

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

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

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

(iv) Name and e-mail address of designated agency contact person who shall be the primary contact on behalf of the agency;

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

(vi) A description of the agency's purpose, mission and goals if an agency is applying for its first certification.

(b) 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:

(i) Identification of the statutory corporate agent for service; and

(ii) If an out-of-state corporation, a copy of the certificate from the Ohio secretary of state, of registration to do business in Ohio.

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

(i) 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;

(ii) 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

(iii) 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.

(d) Documentation of any existing waivers or variances from the department regarding the certification standards, and justification if the agency is seeking their renewal.

(e) Notification if the agency uses seclusion and/or restraint or major aversive behavioral interventions in accordance with rule [5122-26-16](#) of the Administrative Code.

(f) If an agency 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 a community mental health 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 community mental health board shall be submitted.

(g) The documentation required in rule [5122-25-03](#) of the Administrative Code, unless it has already been submitted and deemed status approved by the department.

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

(i) Documentation requested by ODMH for any service not included under the deemed status provision of rule [5122-25-03](#) of the Administrative Code.

(2) An agency that is not requesting deemed status by the department according to rule [5122-25-03](#) of the Administrative Code shall file an application that includes, but is not limited to:

(a) Identifying information including:

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

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

(iii) Governing structure;

(iv) Agency budget;

(v) Table of organization;

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

(vii) Name and e-mail address of designated agency contact person who shall be the primary contact on behalf of the agency

(viii) List of qualified providers according to Chapter 5122-29 of the Administrative Code and the services they provide;

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

(x) A list of subcontracts with other agencies or organizations that provide mental health services.

(b) 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:

(i) A copy of the applicant's articles of incorporation and all amendments;

(ii) Identification of the statutory corporate agent for service; and

(iii) If an out-of-state corporation, a copy of the certificate from the Ohio secretary of state, of registration to do business in Ohio.

(c) Copies of approved physical inspections, either initial or renewal, for each building owned or leased, including:

(i) 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;

(ii) Annual approved fire inspection 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

(iii) 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.

(d) Documentation of any existing waivers or variances from the department regarding the certification standards, and justification if the agency is seeking their renewal.

(e) Notification if the agency uses seclusion and/or restraint or major aversive behavioral interventions in accordance with rule [5122-26-16](#) of the Administrative Code; and

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

(g) If an agency 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 a community mental health 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 community mental health board shall be submitted.

(B) 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.

(C) Following the department's acceptance of materials as a complete application, or while awaiting final payment of the full certification fee in accordance with rule [5122-25-08](#) of the Administrative Code, the department shall determine whether the applicant's services and activities meet certification standards. The process for such a determination consists of the following:

(1) For an agency applying for deemed status, the department shall review the application materials, and issue the certification without further evaluation of the services, except that the department may conduct an on-site survey or otherwise evaluate the agency for cause, including complaints made by or on behalf of consumers and confirmed or alleged deficiencies brought to the attention of the department.

(2) For an agency that has not been granted deemed status by the department according to rule [5122-25-03](#) of the Administrative Code, the department may schedule and conduct an on-site survey of and/or otherwise evaluate the applicant's services and activities. At least thirty days before a scheduled survey date, the applicant shall:

(a) Notify appropriate community mental health boards and local client advocacy groups in writing of the ODMH survey date; and

(b) Post notices of the ODMH survey date and of the opportunity for the public to participate in a public information interview during the survey. Such notices shall be posted in public areas, on bulletin boards near major entrances, and in treatment or residential areas of the applicant.

(D) The department may conduct an on-site survey or otherwise evaluate an agency applying for or granted deemed status at any time based on cause, including complaints made by or on behalf of consumers and confirmed or alleged deficiencies brought to the attention of the director.

The department may conduct an on-site survey or otherwise evaluate an agency not applying for deemed status at the time of initial application or renewal in accordance with paragraph (C)(2) of this rule, at other times with appropriate notice, or at any time based on cause, including complaints made by or on behalf of consumers and confirmed or alleged deficiencies brought to the attention of the director.

The department shall have access to all records necessary to verify compliance with certification standards applicable to the agency and may conduct interviews with staff, others in the community, and clients with client permission. When scheduling surveys, the department shall notify the 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 agency staff shall be conducted during routine initial and renewal on-site surveys.

(E) An applicant that fails to comply with any or all of the certification standards applicable to the agency shall receive a written statement from the department citing items that are not in compliance.

(1) This statement shall describe the deficiencies, actions needed for correction, and a time frame for the agency to submit a written plan of correction.

(2) The agency's plan of correction shall describe the actions to be taken and shall specify a time frame for correction of deficiencies.

(F) If an agency adds a service or activity subject to certification during the term of certification, the agency shall submit:

(1) For an agency applying for deemed status, the documentation required in rule [5122-25-03](#) of the Administrative Code. Upon determination by the department that the agency has obtained appropriate behavioral health accreditation, the department will certify the agency to provide that service or activity.

(2) For an agency not requesting deemed status, a description of the service or activity and the list of qualified providers. Upon determination by the department that the service or activity is in compliance with certification standards, including conducting an on-site survey, if indicated, the department will certify the agency to provide that service or activity.

(G) If an agency adds a new location during the term of certification, the agency shall submit either the documentation required in paragraph (A)(1)(c) or paragraph (A)(2)(c) 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 agency shall submit an application for certification renewal no fewer than sixty days prior to the expiration of the current certificate.

Effective: 10/01/2012

R.C. [119.032](#) review dates: 07/17/2012 and 09/30/2017

Promulgated Under: [119.03](#)

Statutory Authority: [5119.61\(A\)](#), [5119.611](#), [5119.612](#)

Rule Amplifies: [5119.61\(A\)](#), [5119.611](#), [5119.612](#)

Prior Effective Dates: 1/1/2004, 7/1/2009, 11/24/2011

5122-25-05 Provisions of certification.

(A) The department may issue one of three types of certificates to an agency, based upon its findings per paragraphs (C) to (F) of rule [5122-25-04](#) of the Administrative Code:

(1) A probationary certificate, which shall replace a full certificate during the term of probation, and which shall expire within one hundred twenty days of the date of issuance, to be used when:

(a) Serious deficiencies are found during the department's determination of an agency's compliance with the certification standards; or

(b) The agency's documented corrective action(s) is not approved by the department.

(2) An interim certificate, which shall expire within ninety days after the date of issuance, to be used for emergency certification purposes or administrative reasons as determined by the department.

(3) A full certificate specifying the term of certification, which shall be three calendar years from the date of issuance by the department. This certificate shall remain in effect until it is renewed, terminated or revoked. It shall automatically terminate sixty days after the department notifies the agency of its failure to file an application for certification.

(a) The department shall issue a full certificate within thirty days of:

(i) Receipt of complete application materials; or

(ii) Receipt of an acceptable plan of correction, as determined by ODMH, for an initial or renewal certification; or.

(B) A probationary, interim and full certificate is renewable, except that an interim certificate may be renewed only twice.

(C) The certificate shall be site specific to each service and is not transferable to any other agency, agency site, building, corporation, or other entity.

(D) The agency shall notify the department immediately of any services, sites and/or activities added or closed/terminated since the most recent certification.

(E) An agency's certification extends to all services for which it is certified, and at all locations for which it is certified to provide services.

Effective: 11/24/2011

R.C. [119.032](#) review dates: 07/28/2011 and 11/24/2016

Promulgated Under: [119.03](#)

Statutory Authority: [5119.61](#), [5119.611\(A\)](#)

Rule Amplifies: [5119.61](#), [5119.611\(A\)](#)

Prior Effective Dates: 10/1/03, 7/1/09

5122-25-06 Waivers and variances.

(A) The department may grant a waiver or variance from any certification standard, or portion thereof, for a period of time determined by the department, but that shall not exceed the expiration date of the current certificate. However, requests for waivers and variances that would adversely affect the quality of services or the health and safety of clients will not be granted.

(B) An agency shall submit a written request to the department for a waiver or variance. The written request shall state clearly the rationale and need for the requested waiver or variance.

(1) Within thirty days of receipt of the written request, the department shall:

(a) Provide a specific response to the request; or

(b) Provide an estimate to the agency of the timeframe in which the department will be able to provide a specific response to the request.

R.C. [119.032](#) review dates: 12/30/2011 and 12/30/2016

Promulgated Under: [119.03](#)

Statutory Authority: [5119.61\(A\)](#), [5119.611\(C\)](#)

Rule Amplifies: [5119.61\(A\)](#), [5119.611\(C\)](#)

Prior Effective Dates: 10-1-2003, 1-9-06

5122-25-07 Denial, revocation, and termination of certification.

(A) The director may deny or revoke certification for one or more of the following reasons:

(1) The agency fails to comply with any certification standard for which it has not been deemed and/or granted reciprocity, per rule [5122-25-03](#) of the Administrative Code;

(2) Upon the second renewal of an agency's probationary certificate issued in accordance with paragraph (A)(1) of rule [5122-25-05](#) of the Administrative Code; or

(3) The agency:

(a) Loses accreditation as specified in paragraphs (A) and (B) of rule [5122-25-02](#) of the Administrative Code; or

(b) Fails to remain in compliance with comparable licensure and/or certification requirements of another state department for which it has received reciprocity, per paragraph (C) of rule [5122-25-03](#) of the Administrative Code; or

(c) If the agency or principal in the agency has been convicted of medicaid fraud.

(B) The denial of an application for certification or the revocation of certification is subject to appeal under Chapter 119. of the Revised Code.

(C) A certificate shall be considered terminated and invalid if the agency fails to reapply, voluntarily relinquishes the certificate, or goes out of business.

(D) Certificates shall be returned to the department upon denial, termination, revocation, or upon voluntarily discontinuing operation of the agency.

Effective: 07/01/2009

R.C. [119.032](#) review dates: 04/14/2009 and 07/01/2014

Promulgated Under: [119.03](#)

Statutory Authority: RC 5119.61(A), 5119.611(C), 5119.01(H)

Rule Amplifies: RC 5119.61(A), 5119.611(C), 5119.01(H)

Prior Effective Dates: 10/1/03

5122-25-08 Fees.

(A) Each agency shall pay a fee covering a three-year term of certification of the agency and its services.

(1) Fees shall be calculated based on the total amount of funds the agency receives for all mental health services covered in whole or in part by a contract with the community mental health board. The department shall assess fees for interim, probationary or full certification according to the schedule listed below:

Board contract for mental health services Three year certification fee

\$0 through \$40,000 \$180

\$40,001 through \$100,000 \$360

\$100,001 through \$200,000 \$480

\$200,001 through \$400,000 \$600

\$400,001 through \$800,000 \$900

\$800,001 through \$1,600,000 \$1800

\$1,600,001 through \$3,000,000 \$3600

over \$3,000,000 \$4200

(2) An agency seeking certification by the department that does not have a contract with the mental health board shall be assessed a fee of three hundred seventy-five dollars.

(3) An agency not currently certified by the department and seeking initial certification shall be assessed a fee of five thousand dollars.

A minimum of twenty-five hundred dollars of the initial certification fee shall be paid at the time of application. The remainder shall be paid in full within six months of submitting an application for initial certification, and prior to the department conducting an on-site survey or approving certification.

(B) The fee for an agency that has applied for or are is accredited by one of the accrediting bodies listed in paragraph (B) of rule [5122-25-02](#) of the Administrative Code shall be waived, with the exception of an agency not currently certified by the department and seeking initial certification, or an agency whose deemed status has been revoked in accordance with paragraph (D) of rule [5122-25-03](#) of the Administrative Code.

(1) For an agency that has applied for accreditation, proof of application and fee paid to the accrediting body shall be submitted.

(2) For an accredited agency, documentation of accreditation shall be submitted as required in rule [5122-25-03](#) of the Administrative Code.

(3) An agency whose deemed status has been revoked in accordance with paragraph (D) of rule [5122-25-03](#) of the Administrative Code shall be assessed a pro-rated certification fee:

(a) The initial assessed fee shall be equal to one-third of the certification fee that is established in the fee schedule in paragraph (A)(1) of this rule.

(b) The department shall assess a fee equal to one-third of the certification fee that is established in the fee schedule in paragraph (A)(1) of this rule for each subsequent year that the agency's deemed status remains revoked.

(C) The certification fee must be paid by the agency into the sale of goods and services fund created pursuant to section 5119.16 of the Revised Code.

Effective: 07/01/2009

R.C. [119.032](#) review dates: 04/14/2009 and 07/01/2014

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Rule Amplifies: RC 5119.01(H), 5119.61(A), 5119.611(C)

Prior Effective Dates: 10/1/03