

TO BE RESCINDED

3793:2-1-01 **Program certification/licensure process.**

- (A) The purpose of this rule is to state the procedures for certification and licensure of alcohol and drug addiction programs in Ohio.
- (B) The provisions of this rule are applicable to all of the following Ohio alcohol and drug addiction programs, public and private, regardless of whether they receive any public funds that originate and/or pass through the Ohio department of alcohol and drug addiction services in accordance with division (A) of section 3793.06 of the Revised Code:
- (1) Alcohol and drug addiction outpatient treatment programs.
 - (2) Alcohol and drug addiction residential treatment programs.
 - (3) Opioid agonist programs.
 - (4) Detoxification programs.
- (C) The provisions of this rule are not applicable to the following programs:
- (1) Alcohol and drug prevention programs.
 - (2) Criminal justice therapeutic community programs.
 - (3) Treatment alternatives to street crime programs.
 - (4) Driver intervention programs.
 - (5) Programs located outside the state of Ohio.
- (D) Procedure for processing an application for certification/licensure for programs not currently certified and opioid agonist programs.
- (1) Any Ohio alcohol and drug addiction outpatient treatment program, residential treatment program, opioid agonist program, or detoxification program subject to or seeking program certification/licensure pursuant to division (A) of section 3793.06 of the Revised Code shall apply to the Ohio department of alcohol and drug addiction services by filing an application that includes, but is not limited to, the following information for each program site to be

certified/licensed by the department:

- (a) Name, address, telephone number and county of each program site to be certified by the Ohio department of alcohol and drug addiction 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 and need not be certified.
- (b) Program and business hours of operation for alcohol and drug addiction services.
- (c) The alcohol and drug addiction services the program provides.
- (d) Copy of an Ohio food services operator's license if required by the Ohio department of health.
- (e) 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 program will be conducted.
- (f) Copy of a current annual fire inspection 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.
- (g) A copy of the owner's current registration for doing business in Ohio that has been filed with the Ohio secretary of state.
- (h) If the owner is an out-of-state corporation, a copy of the license from the Ohio secretary of state for doing business in Ohio.
- (i) If the program is a non-profit organization, a copy of the approved statement of continued existence approved by the Ohio secretary of state.
- (j) Opioid agonist programs shall submit a copy of the current certification from the substance abuse and mental health services administration to use an opioid agonist in the maintenance treatment of opioid addiction.

- (k) List of clinical staff, license number, and licensing body.
 - (l) Residential, halfway house treatment, detoxification programs shall indicate the number of alcohol and other drug beds for each type of treatment program.
 - (m) Programs requesting a variance or an extension of a variance for one or more of the program certification/licensure standards shall include a copy of the request with the program certification/licensure application. Each variance request shall be prepared and submitted in accordance with this rule.
 - (n) The application shall be signed and dated by the executive director, CEO or president of the organization.
- (2) Upon receipt of an application, the Ohio department of alcohol and drug addiction services shall:
- (a) Notify, in writing, the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board of the application.
 - (b) Review the application to determine if it is complete.
 - (i) 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.
 - (ii) The department's return of the materials to the applicant or failure of the department to take further action to issue a certificate/license shall not constitute denial of an application for program certification or licensure.
- (3) Upon acceptance of an application the Ohio department of alcohol and drug addiction services shall contact the program to schedule an on-site inspection of the program.
- (a) The department shall send the program a letter confirming the date of the on-site inspection.

- (b) The department shall notify, in writing, the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board of the date of the on-site inspection.
- (4) The Ohio department of alcohol and drug addiction services shall conduct an on-site inspection at the time of application, with official written notice to the program, or at any other time for cause as determined by the department, with or without official written notice to the program.
- (5) The Ohio department of alcohol and drug addiction services shall have access to all program-related records to verify compliance with program certification and/or licensure standards as established by department rules. The department may conduct interviews with members of the program's governing authority, program staff, others in the community and/or clients with the clients' permission.
- (6) The Ohio department of alcohol and drug addiction services shall prepare a follow-up inspection report for the on-site inspection of the program.
 - (a) The inspection report shall cite any standards with which the program was not in compliance at the time of the on-site inspection.
 - (b) The Ohio department of alcohol and drug addiction services shall provide a copy of the on-site inspection report to the program and to the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board.
 - (c) Programs shall correct deficiencies identified during a program certification/licensure inspection conducted by the Ohio department of alcohol and drug addiction services and documentation of correction of the deficiencies shall be sent to the department within the time frame specified in the follow-up inspection report.
- (7) The Ohio department of alcohol and drug addiction services shall issue a certificate or license to each applicant complying with the program certification or licensure standards.
 - (a) Certificates for outpatient and residential treatment programs and detoxification programs shall not exceed three years.
 - (b) Licenses for opioid agonist programs shall be for one year.

(c) The department shall provide the program with the original certificate or license, and provide a copy of the certificate or license to the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board.

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

(E) Conditional program certification/licensure.

(1) Conditional program certification/licensure may be granted by the Ohio department of alcohol and drug addiction services to enable the program to serve clients, to establish and maintain client records, to implement quality improvement activities and/or to correct deficiencies identified during an on-site program certification/licensure inspection.

(2) The Ohio department of alcohol and drug addiction services may issue a conditional program certification/licensure for a maximum period of ninety days.

(F) Relocation of a certified program shall render the certification and/or licensure void. Void certificates/licenses shall be returned to the Ohio department of alcohol and drug addiction services.

(1) A program shall submit an application for program certification and/or licensure of a new site location to the Ohio department of alcohol and drug addiction services at least thirty days prior to relocation to avoid possible non-certified or non-licensure status of the program.

(2) Upon acceptance of an application, the Ohio department of alcohol and drug addiction services may conduct an on-site inspection of the new program site location for compliance with certification/licensure standards for physical plant and safety and any other program certification/licensure standards deemed appropriate by the Ohio department of alcohol and drug addiction services.

(3) Certificates/licenses issued as a result of a relocation of a program site shall have the same expiration date as the certification or licensure of the original program site.

(G) Procedure for renewal of program certification for currently certified programs:

- (1) All programs certified by the department of alcohol and drug 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 (G)(3) of this rule.
- (2) For programs that have obtained deemed certification pursuant to rule 3793:2-1-01.1 of the Administrative Code, the program shall be certified for the period of their national accreditation, not to exceed three years.
- (3) The Ohio department of alcohol and drug addiction services will send each owner an assurance statement for each certified site and for programs that have obtained deemed certification with information that the department has on file. Any Ohio alcohol and drug addiction outpatient, residential treatment program or detoxification program seeking renewal of program certification pursuant to division (A) of section 3793.06 of the Revised Code shall submit an assurance statement signed and dated by the executive director, CEO or president of the organization, and president of the governing authority which states that the agency shall comply with the certification standards as established by department rules for each certified program site location for the duration of its three-year certification period. All assurance statements must be received by the department within thirty days of the beginning of the new certification period and must include:
 - (a) Any changes to the information supplied by the department regarding that program. Changes include but are not limited to name, address, telephone number, email address, each program site location, program business hours of operation, and the number of alcohol and drug addiction beds if applicable.
 - (b) Programs requesting a variance or an extension of a variance for one or more of the program certification/licensure standards shall include a copy of the request with the program certification/licensure application. Each variance request shall be prepared and submitted in accordance with this rule.
- (4) Failure to comply with the requirements of paragraph (G)(3) of this rule within the specified time frame shall result in the program being placed on conditional status.
- (5) The Ohio department of alcohol and drug addiction services shall contact the program to schedule an on-site inspection of the program within the

three-year certification period. Reviews will be scheduled with a minimum ninety-day notice.

- (a) The department shall send the program a letter confirming the date of the on-site inspection.
 - (b) The department shall notify, in writing, the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board of the date of the on-site inspection.
- (6) The Ohio department of alcohol and drug addiction services shall conduct an on-site inspection within the three-year certification period with official written notice to the program, or at any other time for cause as determined by the department, with or without official written notice to the program.
- (7) The Ohio department of alcohol and drug addiction services shall have access to all program-related records to verify compliance with program certification and/or licensure standards. The department may conduct interviews with members of the program's governing authority, program staff, others in the community and/or clients with the clients' permission.
- (8) The Ohio department of alcohol and drug addiction services shall prepare a follow-up inspection report for the on-site inspection of the program.
- (a) The inspection report shall cite any standards with which the program was not in compliance at the time of the on-site inspection.
 - (b) The Ohio department of alcohol and drug addiction services shall provide a copy of the on-site inspection report to the program and to the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board.
 - (c) Programs shall correct deficiencies identified during a program certification inspection conducted by the Ohio department of alcohol and drug addiction services. Documentation of correction of the deficiencies shall be sent to the department within the time frame specified from the date in the follow-up inspection report.
- (H) The Ohio department of alcohol and drug addiction services certifies and licenses program sites. Each program certification or license issued by the department is for a specific address. Certificates and licenses are not transferable to any other program entity or to other program site locations.

(I) Variances.

- (1) The Ohio department of alcohol and drug addiction services may grant a variance from any certification or licensure standard, or portion thereof, for the period during which the certification or licensure is in effect.
 - (2) "Variance" means written permission granted by the Ohio department of alcohol and drug addiction services to a 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 program certification/licensure standard.
 - (3) Requests for variances of certification or licensure standards shall be in writing to the Ohio department of alcohol and drug 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 program that assures the Ohio department of alcohol and drug 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 alcohol and drug addiction services shall issue a written statement to the program granting or denying a request for variance of program certification and/or licensure standards. A copy of the written statement shall be provided to the applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services 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.
- (J) The Ohio department of alcohol and drug addiction services may deny or revoke certification or licensure for one or more of the following reasons:
- (1) The program fails to comply with any program certification/licensure standard;

- (2) The program misuses or fails to properly account for the disbursement of state or federal funds;
 - (3) The program knowingly provides false information to: the Ohio department of alcohol and drug addiction services, an alcohol and drug addiction services board or an alcohol, drug addiction and mental health services board or other entity;
 - (4) The program knowingly permits an employee to falsify information on client records;
 - (5) The 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 program fails to provide access to its records as requested by the Ohio department of alcohol and drug addiction services.
 - (7) Denial, revocation or termination would be in the best interest of the citizens of Ohio.
- (K) The Ohio department of alcohol and drug addiction services shall give the program written notice by certified mail, return receipt requested, if it intends to deny or revoke certification/licensure. The notice shall include:
- (1) The standard(s) with which the 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 program that it is entitled to a hearing if it requests it within thirty days of the time of the mailing of the notice.
 - (4) A statement that at the hearing, the 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 program.
- (L) If a program requests a hearing, the Ohio department of alcohol and drug addiction

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

- (1) The Ohio department of alcohol and drug 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 alcohol and drug addiction services shall provide the program a certified copy of its decision by certified mail, return receipt requested.
- (3) If the Ohio department of alcohol and drug addiction services' decision after the hearing is to deny or revoke certification or licensure, the 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 program decides to appeal the Ohio department of alcohol and drug addiction services' decision, the program shall appeal the order of the department to the court of common pleas of the county in which it the program's place of business is located. The 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 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 Ohio department of alcohol and drug addiction services shall send to the common pleas court a complete record of the proceedings in the case by certified mail, return receipt requested.

(M) Any person who violates the provisions of these rules shall be subject to the penalties provided in section 3793.99 of the Revised Code.

(N) Sanction:

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

- (2) Any program which has been denied certification/licensure pursuant to this rule shall not be eligible to apply to the Ohio department of alcohol and drug addiction services for program certification/licensure for at least three years from the date of denial without the written consent of the department.
- (O) Program certification or licensure shall be considered void and invalid if a program: fails to follow the procedures for renewal of program certification, voluntarily relinquishes the certificate for certification or licensure, moves to another location, goes out of business or is sold or otherwise conveyed to another entity.
- (P) The program shall immediately notify the Ohio department of alcohol and drug addiction services in writing of any changes in its operations that affect the program's continued compliance with the department's program certification and licensure requirements.
- (Q) All programs shall be in compliance with all applicable federal, state and local laws and regulations.
- (R) Alcohol and drug addiction programs currently certified or licensed by the Ohio department of alcohol and drug addiction services at the time of the effective date of agency 3793 of the Administrative Code shall remain certified/licensed until the expiration of their current certification or licensure unless their certification or licensure were to be revoked or terminated in accordance with this rule.

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TO BE RESCINDED

3793:2-1-01.1 **Deemed certification.**

(A) The department shall accept, as evidence of compliance with rules 3793:2-1-01 to 3793:2-1-08 and 3793:5-1-01 to 3793:5-1-07 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 statement in paragraph (A) of this rule:

(a) Paragraph (G) of rule 3793:2-1-04 of the Administrative Code (major unusual incident notification);

(b) Rule 3793:2-1-09 of the Administrative Code (uniform cost reporting); and

(c) Rule 3793:2-1-10 of the Administrative Code (actual uniform cost report (AUCR) agreed-upon procedures and report submission requirement).

(B) 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.

(C) 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.

(D) 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.
- (E) 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 alcohol and drug addiction 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.

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TO BE RESCINDED

3793:2-1-02

Governing authority.

- (A) The purpose of this rule is to state the minimum governing authority requirements that a program must meet in order to be certified or licensed by the Ohio department of alcohol and drug addiction services as an alcohol and drug addiction outpatient treatment program, residential treatment program or methadone program.
- (B) The provisions of this rule are applicable to all of the following alcohol and drug addiction programs, public and private, regardless of whether they receive any public funds that originate from and/or pass through the Ohio department of alcohol and drug addiction services, in accordance with division (A) of section 3793.06 of the Revised Code.
- (1) Alcohol and drug addiction outpatient treatment programs.
 - (2) Alcohol and drug addiction residential treatment programs.
 - (3) Opioid agonist programs.
 - (4) Alcohol and drug addiction ambulatory detoxification programs.
- (C) The provisions of this rule are not applicable to the following programs:
- (1) Alcohol and drug prevention programs.
 - (2) Alcohol and drug addiction sub-acute detoxification and acute hospital detoxification programs.
 - (3) Criminal justice therapeutic community programs.
 - (4) Treatment alternatives to street crime programs.
 - (5) Driver intervention programs.
- (D) Deemed status shall be granted to waive paragraphs of the Administrative Code if the program:
- (1) Is certified/licensed by the Ohio department of mental health. Deemed provisions include paragraphs (F), (G), (H), (I), (J), (K), (L), and (M) of this rule.

- (2) Is licensed by the Ohio department of jobs and family services. Deemed provision includes paragraph (I) of this rule.
- (E) Each program, except government owned programs, shall be registered to do business in Ohio with the Ohio secretary of state and shall have on file a copy of this registration.
- (1) If the program is a non-profit organization, the program shall submit an application for continued existence to the Ohio secretary of state as required by statute. The program shall have on file a copy of the approved statement of continued existence for the corporation approved by the Ohio secretary of state.
 - (2) If the program is owned by an out-of-state corporation, the program shall have on file a copy of the license to do business in Ohio which is issued by the Ohio secretary of state.
- (F) Each program, including government-owned organizations, shall have a governing authority that has overall responsibility for the operation of its alcohol and drug addiction program(s).
- (1) The governing authority for a corporation shall be a board of directors/trustees.
 - (2) The governing authority for a partnership shall be the partners as specified in their registration with the Ohio secretary of state.
 - (3) The governing authority for a limited liability company shall be the members as specified in their registration with the Ohio secretary of state.
 - (4) The governing authority for a government organization shall be the appointing authority of a department, division, bureau or other government office.
- (G) Each program whose governing authority is a board of directors, shall have written policies, code of regulations and/or by-laws that include, but are not limited to the following:
- (1) Procedure for selecting members of the governing authority.
 - (2) Statement of the number of members of the board of directors needed for a quorum at meetings of the board of directors.

- (3) Provisions for guarding against the development of, and prohibiting the existence of, a conflict of interest between a member of the board of directors and the program.
 - (4) Provisions for orienting new members of the board of directors.
- (H) Each program (corporation, partnership, limited liability company, sole proprietorship and/or government organization) shall have written policies, code of regulations, articles of incorporation and/or by-laws stating the responsibilities of the governing authority and shall maintain documentation that includes, at a minimum, the following:
- (1) Establishing the duties and responsibilities of the alcohol and drug addiction program director.
 - (2) Selecting a program director to manage the day-to-day activities of the alcohol and drug addiction program.
 - (3) Conducting meetings of the governing authority at least quarterly and maintaining minutes of these meetings.
 - (4) Approving the alcohol and drug addiction services that the program will provide.
 - (5) Approving the program's policies for operating the alcohol and drug addiction program(s).
 - (6) Approving an annual budget for each alcohol and drug addiction program certified by the Ohio department of alcohol and drug addiction services.
 - (7) Reviewing the annual audit report of the agency conducted in accordance with this rule.
- (I) The agency shall maintain a roster of the members of the board of directors and their professional affiliations.
- (J) Each alcohol and drug addiction program shall have a current table of organization that:
- (1) Reflects the relationship of the alcohol and drug addiction program to the

governing authority.

- (2) Reflects each position, including employees, contract staff, student interns and volunteers of the alcohol and drug addiction program(s).
 - (3) Includes the date and original signature of the alcohol and drug addiction program director.
- (K) Each program shall establish and implement a written quality improvement plan updated annually and approved by the governing authority that includes, at a minimum, the following:
- (1) Designation of a committee or staff member for coordinating the program's quality assurance and improvement activities.
 - (2) Provisions for informing the program's governing authority of the findings of quality assurance and improvement activities.
 - (3) Provisions for monitoring corrective actions directed by the governing authority.
 - (4) Provisions for conducting quality improvement activities in accordance with rule 3793:2-1-04 of the Administrative Code.
 - (5) A description of how quality improvement activities are integrated into the entity's overall management.
- (L) The governing authority is responsible for ensuring that the alcohol and drug addiction program is operated in accordance with the following:
- (1) All applicable federal and state laws, regulations and rules, to include non-discrimination provisions for employment and services provided.
 - (2) Local ordinances and regulations.
 - (3) Local zoning regulations.
 - (4) Program policies and procedures as required by this rule.
- (M) The governing authority shall be responsible for ensuring that there is protection

through liability insurance, malpractice insurance and/or other insurance for the governing authority, the program's staff and the alcohol and drug addiction program.

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3793:2-1-03

Program administration.

- (A) The purpose of this rule is to state the minimum program administration requirements that a program must meet in order to be certified or licensed by the Ohio department of alcohol and drug addiction services as an alcohol and drug addiction outpatient treatment program, residential treatment program, ambulatory or sub-acute detoxification program or licensed as an opioid agonist program.
- (B) The provisions of this rule are applicable to all of the following Ohio alcohol and drug addiction programs, public and private, regardless of whether they receive any public funds that originate from and/or pass through the Ohio department of alcohol and drug addiction services, in accordance with division (A) of section 3793.06 of the Revised Code:
- (1) Alcohol and drug addiction outpatient treatment programs.
 - (2) Alcohol and drug addiction residential treatment programs.
 - (3) Opioid agonist programs.
 - (4) Alcohol and drug addiction ambulatory detoxification programs.
- (C) Deemed status shall be granted to waive paragraphs of the Administrative Code if the program:
- (1) Is certified/licensed by the Ohio department of mental health. Deemed provisions include paragraphs (M), (N), (Q), (U) and (Y) of this rule.
 - (2) Is licensed by the Ohio department of jobs and family services. Deemed provisions include paragraphs (L) and (R) of this rule.
- (D) The provisions of this rule are not applicable to the following programs:
- (1) Alcohol and other drug prevention programs.
 - (2) Alcohol and drug addiction sub-acute detoxification and acute hospital detoxification programs.
 - (3) Criminal justice therapeutic community programs.

- (4) Treatment alternatives to street crime programs.
 - (5) Driver intervention programs.
- (E) Each program shall have a program director (or other similar title) who is responsible for the overall day-to-day operation of the alcohol and drug addiction program.
- (F) The qualifications for an alcohol and drug addiction program director shall include at least the following knowledge and skills requirements:
- (1) Bachelor's degree and a minimum of five years' experience in alcohol and other drug addiction services or an allied profession to include a minimum of two years as a supervisor or
 - (2) Minimum of six years' experience in alcohol and other drug addiction services or an allied profession to include a minimum of three years as a supervisor or
 - (3) Minimum of five years business administration experience to include a minimum of two years as a supervisor.
- (G) The program shall have an annual revenue and expenditure budget that has been approved by the governing authority before the beginning of the program's fiscal year. Minutes of the governing authority shall reflect that approval.
- (H) The program shall prepare monthly financial statements reflecting the financial position of the program. These statements shall be brought to the attention of the governing authority. Minutes of the governing authority shall reflect that the monthly financial statements have been brought to the attention of the governing authority.
- (I) Each program shall account for funds in compliance with rules and regulations required by applicable funding sources.
- (J) Where applicable, each program shall ensure that federal, state and local funds are spent in accordance with grant agreements, assurances, contracts and federal cost principles as each requirement relates to the source of funds and the funding agency.
- (K) Programs that receive funds that originate from and/or pass through the alcohol, drug addiction and mental health services board, the alcohol and drug addiction services

board and/or the Ohio department of alcohol and drug addiction services shall have an audit/review conducted in accordance with the department's financial and compliance audit guidelines for alcohol and other drug addiction programs and agencies receiving state and other funding.

- (L) Programs that do not receive funds that originate from and/or pass through the alcohol, drug addiction and mental health services board, the alcohol and drug addiction services board and/or the Ohio department of alcohol and drug addiction services shall, at a minimum, have an audit/review conducted in accordance with generally accepted auditing standards. Programs may utilize additional standards as designated by their funding entities as long as the required audits meet these minimum standards.
- (M) Each program shall have policies and procedures regarding communication assistance for limited-English proficient clients, family members or significant others as required by state and federal law.
- (N) Each program shall have policies and procedures regarding auxiliary aids for sensory-impaired clients, family members or significant others, including the sight and hearing impaired as required by state and federal law.
- (O) Each program shall establish and maintain written personnel policies and procedures that comply with relevant federal, state and local statutes and regulations including, at a minimum, the following:
 - (1) Assurance of non-discrimination against any person or group of persons on the basis of race, ethnicity, age, color, religion, sex, national origin, sexual orientation or disability in the recruitment, selection, promotion, evaluation or retention of employees or volunteers.
 - (2) Provisions for providing cultural sensitivity training to staff.
 - (3) Policy prohibiting sexual harassment.
 - (4) Employment recruitment and selection process.
 - (5) Provisions for promotion, discipline and termination of employment.
 - (6) Annual performance evaluation of each employee.
 - (7) Program employee grievance procedure.

- (8) Staff development.
- (9) Employee benefits (e.g. retirement plans, annuities, insurance, sick leave, vacation leave and other leave).
- (10) Standards of acceptable behavior for all program employees.
- (11) Overtime and compensatory time policies and/or procedures.
- (12) Policy ensuring that a copy of the program's personnel policies and procedures is available to each employee.
- (13) Procedure for notifying employees of changes in personnel policies and procedures.
- (14) Policy permitting each employee the right to review his/her own personnel file and procedures for doing this.
- (15) Procedure that states that employment applicants shall be informed that the program follows the rules and regulations governing fair employment practices, that the applicant's right to privacy shall be respected, and that the results of inquiries shall be treated in confidence by the program.
- (16) Policy prohibiting an individual from supervising any person closely related by blood, marriage or other significant relationship including business associate.
 - (a) "Closely related by blood or marriage" is defined to include, but is not limited to, spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, steps and other persons related by blood or marriage who reside in the same household.
 - (b) "Significant relationship" means persons living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
 - (c) "Business associates" are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.

(d) "Supervision" means the direct ability or power to effectively recommend the hire, suspension, layoff, promotion, discharge, reward or discipline of a person.

(P) A personnel file shall be maintained for each employee, contract staff, volunteer and student intern conducting program activities. Personnel files shall contain, at a minimum, the following when applicable:

- (1) Employment application and/or resume.
- (2) Copy of notification of hiring, to include starting date, position and starting salary or wage for those employees hired after the effective date of this rule.
- (3) Verification or copies of current professional licenses and/or certifications and/or registration from professional regulatory boards in Ohio of each alcohol and drug addiction service provider. If verification by a staff member of the organization is used in lieu of a copy of the credential, each verification must include the employee's name, social security number, name of regulatory board in Ohio which issued the certification/license, certification/license number and expiration date of the license. The staff member verifying the credential must date and sign the verification document.
- (4) The personnel file of each alcohol and drug services provider and supervisor shall include documentation of education, training and experience to demonstrate competency in providing and/or supervising alcohol and drug addiction services.
- (5) Position description.
- (6) Annual performance evaluation.
- (7) Documentation that the employee has reviewed and agreed to abide by the federal regulations on the confidentiality of alcohol and drug abuse patient records (Title 42, Code of Federal Regulations, part 2).
- (8) Documentation to reflect that the employee has received a copy of the following and has agreed to abide by each of them:
 - (a) Program's personnel policies and procedures.

- (b) Program's client abuse/neglect policy.
 - (c) Program's client rights policy.
 - (d) Program's client grievance procedure.
- (9) For contract staff, a signed copy of his/her contract with the program.
- (Q) A position description shall be established for each employee of the program. Each position description shall include, at a minimum, the following:
- (1) Job title.
 - (2) Supervisor to whom the person holding this position is responsible.
 - (3) Duties/responsibilities.
 - (4) Minimum qualifications for the position (knowledge/skills).
 - (5) Credentials and academic requirements, if applicable.
 - (6) Subordinates (positions supervised by person holding this position).
- (R) Each alcohol and drug addiction program serving children and/or adolescents shall have a policy which states the following:
- (1) Each employee and/or contract staff hired after June 13, 2004 and/or volunteer and student intern utilized in positions which are responsible for the direct care or supervision of children and/or adolescents shall:
 - (a) Be at least twenty-one years of age.
 - (b) Possess a high school diploma or equivalency certificate.
 - (c) Meet the policies set forth in paragraphs (R)(2) and (R)(3) of rule 3793:2-1-03 of the Administrative Code.
 - (2) The policy shall state that a prospective employee, volunteer or student intern has not pled guilty to nor been convicted of any of the offenses listed in

paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A prospective employee, adult volunteer or student intern convicted of or who has pleaded guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by an agency if the conditions as provided in paragraph (H) of rule 5102:2-5-09 of the Administrative Code have been met.

- (3) The policy shall state that the agency shall require that criminal records checks on employees, volunteers and student interns be conducted by the bureau of criminal identification and investigation (BCII) and, if the prospective employee does not demonstrate that he/she has been a resident of Ohio for the preceding five years, by the federal bureau of investigation (FBI).
- (S) Each alcohol and drug addiction residential or halfway house program for adults that includes child care shall have a policy which states that:
- (1) Each employee, contract staff, volunteer or student intern which is responsible for the direct care of children shall:
 - (a) Be at least eighteen years of age and
 - (b) Possess a high school diploma or equivalency certificate.
 - (2) The policy shall state that a prospective employee, adult volunteer or student intern has not pled guilty to nor been convicted of any of the offenses listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A prospective employee, adult volunteer or student intern convicted of or who has pleaded guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by an agency if the conditions as provided in paragraph (H) of rule 5101:2-5-09 of the Administrative Code have been met.
 - (3) The policy shall state that the agency shall require that criminal records checks on prospective employees, adult volunteers and student interns be conducted by the bureau of criminal identification and investigation (BCII) and, if the prospective employee does not demonstrate that he/she has been a resident of Ohio for the preceding five years, by the federal bureau of investigation (FBI).
- (T) Each program shall have an affirmative action plan that includes the stated goal that the program will attempt to have staff who reflect, as nearly as possible, the racial composition of its service area.

- (U) Each program shall have a plan that includes the stated goal that the program will address the need for culturally specific and relevant programming for ethnic minorities, deaf or hearing impaired and others:
- (V) Each program shall have a written policy or procedure for handling cases of client abuse and/or neglect by employees, contract staff, student interns and volunteers that includes notifying appropriate professional regulatory boards and law enforcement authorities when applicable.
- (W) Each alcohol and drug addiction treatment program shall:
- (1) Maintain a client information system which meets specifications established by the Ohio department of alcohol and drug addiction services for collecting socio-demographic information and data on alcohol/drug addiction services provided by the program.
 - (2) Maintain a financial management information system which meets specifications established by the department for collecting financial information related to alcohol/drug addiction services provided by the program.
 - (3) Participate in information surveys conducted or sponsored by the Ohio department of alcohol and drug addiction services.
- (X) Each program shall identify a location (street address, city and county) as a primary place for conducting business. This standard does not prohibit alcohol and drug addiction services from being provided in the natural environment of a client, for example, place of residence, work place or school.
- (1) Each agency shall designate a safety officer who will be responsible for ensuring that each program site is in compliance with the physical plant and safety requirements of this rule.
 - (2) The program shall have on file a copy of a "certificate of use and occupancy" for each program site where alcohol and drug addiction services are provided in accordance with the Ohio basic building code and rule 4101:2-1-27 of the Administrative Code.
 - (3) The program shall have on file a copy of the report of an annual fire inspection by a certified fire authority, or where none is available, by the division of the state fire marshal of the Ohio department of commerce, for each program site

where alcohol and drug addiction services are provided.

- (4) The program shall have a fire and evacuation plan for each program site where alcohol and drug addiction services are provided.
 - (5) If a program has a swimming pool, the program shall maintain documentation to reflect that the swimming pool is being maintained in compliance with the requirements of section 3749.04 of the Revised Code.
 - (6) A program is prohibited from using freestanding wood burning stoves or unvented kerosene, gas or oil heaters at its site.
 - (7) The program shall have sufficient office space to allow privacy between a counselor and a client.
 - (8) Each program site shall meet, at a minimum, the following handicapped accessibility requirements, or have on file a copy of a plan for meeting these requirements that has been approved by the Ohio department of alcohol and drug addiction services' equal employment opportunity regional program administrator.
 - (a) Entrances, hallways, spaces where services are provided and office space for employees shall be handicapped accessible.
 - (b) The programs shall have at least one handicapped accessible bathroom.
 - (c) Residential treatment programs shall have handicapped accessible shower facilities.
 - (d) The program shall have designated handicapped parking space(s) based on the Americans with Disabilities Act accessibility guidelines.
 - (e) At least one drinking fountain that is handicapped accessible shall be available.
 - (f) At least one telephone that is handicapped accessible shall be available.
- (Y) Each program shall have written policies and/or procedures for universal infection control for each program site.
- (1) Each program shall provide training and education on infection control to all

employees, contract staff, student interns and volunteers.

- (2) Each program shall have a written policy and/or procedure for the reporting of communicable diseases in accordance with Chapter 3701-3 of the Administrative Code.
- (Z) Each program shall be in compliance with the Federal Department of Transportation Omnibus Transportation Testing Act of 1991 and the Drug-Free Workplace Act of 1988 regarding federal drug-free workplace regulations, when applicable.
- (AA) Closing a program:

- (1) If a program certified/licensed by the Ohio department of alcohol and drug addiction services voluntarily closes its alcohol and drug addiction program, it shall give a thirty-day advance written notice to each of its current clients which specifies the date that the program will close.
- (a) A copy of this notice shall be placed in each client's clinical record.
- (b) A copy of this notice shall be sent to the:
- (i) Unit of the Ohio department of alcohol and drug addiction services responsible for compliance and certification/licensure of programs.
- (ii) Applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services board.
- (c) A program close-out audit shall be conducted which shall meet the Ohio department of alcohol and drug addiction services' guidelines and federal office of management and budget circulars.
- (2) If it appears that a client will require ongoing alcohol and drug addiction services after the projected closing date of the program, the program shall:
- (a) Refer the client to another program certified by the Ohio department of alcohol and drug addiction services for alcohol and drug addiction services or to an individual in private practice who is qualified to provide the services needed.
- (b) Have documentation to ascertain that the program has accepted the client

for admission. (A progress note by a case manager or clinician stating the date, time and place that the client is scheduled for an intake interview will meet the requirements of this standard).

(3) If a client is a minor, the program shall:

- (a) Send a thirty-day advance notice, which specifies the date that the program will close to the minor client's parent or legal guardian and to the minor in accordance with section 3719.012 of the Revised Code.
- (b) Refer the client to another program which offers the appropriate level of care and is certified by the Ohio department of alcohol and drug addiction services for alcohol and drug addiction services, or to an individual in private practice who is qualified to provide the services needed.
- (c) Have documentation to ascertain that the program has accepted the client for admission. (A progress note by a case manager or clinician stating the date, time and place that the client is scheduled for an intake interview will meet the requirements of this standard).

(BB) Each organization that owns and/or operates an alcohol and drug addiction program shall be in compliance with all applicable federal, state and local laws and regulations in addition to the requirements of agency-level 3793 of the Administrative Code.

(CC) A program certified as an alcohol and drug addiction outpatient or residential treatment program or detoxification program by the Ohio department of alcohol and drug addiction services or licensed as a opioid agonist program at the time of the effective date of this rule shall remain certified/licensed until the expiration of its current certification/licensure. If it wants to continue to operate as an alcohol and drug addiction outpatient, residential treatment, detoxification program or opioid agonist program, it is required to apply to the department for program certification/licensure in accordance with this rule and rule 3793:2-1-01 of the Administrative Code.

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TO BE RESCINDED

3793:2-1-04

Quality assurance and improvement.

- (A) The purpose of this rule is to state the minimum quality assurance and improvement requirements that a program must meet in order to be certified or licensed by the Ohio department of alcohol and drug addiction services to provide alcohol and drug addiction services.
- (B) The provisions of this rule are applicable to all of the following alcohol and drug addiction programs, public and private, regardless of whether they receive any public funds that originate from and/or pass through the Ohio department of alcohol and drug addiction services in accordance with division (A) of section 3793.06 of the Revised Code:
- (1) Alcohol and drug addiction outpatient treatment programs.
 - (2) Alcohol and drug addiction residential treatment programs.
 - (3) Opioid agonist programs.
 - (4) Alcohol and drug addiction ambulatory detoxification programs.
- (C) The provisions of this rule are not applicable to the following programs:
- (1) Alcohol and drug prevention programs.
 - (2) Alcohol and drug addiction sub-acute detoxification and acute hospital detoxification programs.
 - (3) Criminal justice therapeutic community programs.
 - (4) Treatment alternatives to street crime programs.
 - (5) Driver intervention programs.
- (D) Deemed status shall be granted to waive paragraphs of the Administrative Code if the program is certified/licensed by the Ohio department of mental health. Deemed provision includes paragraph (F) of this rule.
- (E) Each program shall establish and implement a written quality improvement plan updated annually and approved by the governing authority that includes, at a

minimum, the following:

- (1) Designation of a committee or staff member for coordinating the program's quality assurance and improvement activities.
- (2) Provisions for informing the program's governing authority of the findings of quality assurance and improvement activities.
- (3) Provisions for monitoring corrective actions directed by the governing authority.
- (4) Provisions for conducting completeness of client records review at least quarterly.
- (5) Provisions for conducting peer review. Peer review means an evaluation of the clinical pertinence and appropriateness of services delivered. Peer review shall be conducted by staff who are qualified to provide the same alcohol and drug addiction services under review. Peer review shall occur at least quarterly and shall determine the following:
 - (a) Assessments were thorough, complete and timely.
 - (b) Treatment plan problems, goals and objectives were based on the results of the assessment.
 - (c) Services were related to the treatment plan goals and objectives.
 - (d) Documentation accurately reflects the services that were provided.
- (6) Assurance that any service provider cannot review his/her own client records for quality assurance and improvement activities.
- (7) Provisions for conducting activities to determine that the client's admission to, continued stay and discharge from the program is appropriate based on the Ohio department of alcohol and drug addiction services' protocols for levels of care (youth and adult) for publicly funded clients, including, at a minimum, the methodology, frequency and content of these activities.
- (8) Procedures for conducting waiting list management activities, including: identification of pregnant women, intravenous drug users, non-emergency status clients and clients with medical and/or psychiatric emergencies,

maintaining contact with clients, policy and procedures for removing clients from the waiting list and procedures for notifying referral sources of the client's waiting list status.

- (9) Provisions for conducting client satisfaction surveys to include, at a minimum, the following:
- (a) Survey to be conducted on an annual basis.
 - (b) Satisfaction protocols, including provisions for the opportunity for all clients to participate and provisions for anonymity in survey participation, data collection, analysis and reporting of findings.
 - (c) Satisfaction measures, including accessibility (timeliness of appointments), appropriateness (responsiveness to client needs), cultural competency (of staff providing services), recommendation of services to others and overall satisfaction.
 - (d) Use of findings for improvement of the services provided by the program.
- (10) Provisions for conducting referral source satisfaction surveys which shall include, at a minimum, the following:
- (a) Survey to be conducted on an annual basis.
 - (b) Satisfaction protocols, including reasonable attempts to contact a sample of referral sources, data collection, analysis and reporting of findings.
 - (c) Satisfaction measures, including access (ease of referral), program information (general information about the program), client information (feedback about client) and overall satisfaction.
 - (d) Use of findings for improvement of the services provided by the program.
- (11) A description of how quality improvement activities are integrated into the entity's overall management.
- (F) Each program shall have a written risk management plan for conducting risk management activities. Risk management means a planned approach for the purpose of safeguarding potential risks in terms of hazardous working conditions, fire and safety conditions, major and unusual incidents and financial risk. The plan

shall include, at a minimum, the following:

- (1) Plan objectives.
 - (2) Structure and process for implementing the risk management plan:
 - (a) Identification of staff responsible for implementing and coordinating risk management activities.
 - (b) Functional duties and responsibilities of the staff designated; staff may also assume other organizational functions.
 - (3) Scope and content of the risk management activities that include, at a minimum, the following:
 - (a) A policy to safeguard against potential hazardous working conditions for staff, clients and visitors to the program, including physical plant conditions and fire safety considerations.
 - (b) Provisions for conducting routine risk management activities shall be developed, to include, at a minimum, the following:
 - (i) Reporting, reviewing and monitoring of all major and unusual incidents such as death or injury to a client or staff, sexual/physical abuse of a client by staff or significant disruption of services.
 - (ii) Reporting, reviewing and monitoring of significant financial loss to the program, as determined in the risk management plan.
 - (iii) Linkage of risk management activities to quality assurance activities, including, at a minimum, ongoing formal communication between staff responsible for both activities, joint reporting to the governing authority and accountability for corrective action(s).
 - (c) An emergency medical plan posted in an area accessible to staff at all times.
- (G) All major unusual incidents shall be reported in writing to the Ohio department of alcohol and drug addiction services and to the applicable alcohol and drug

addiction services board or alcohol, drug addiction and mental health services board within seventy-two hours of the reported incident or such other time as agreed upon between the parties. Each program shall have written criteria for conducting reviews of major unusual incidents that include, but are not limited to, the following:

- (1) Death or serious injury of a client, employee, contract staff member, volunteer or student intern when the person is on the program's premises, performing tasks for the program or participating in program activities.
 - (2) Any allegation of physical, sexual or verbal abuse of a client.
 - (3) Any allegation of staff neglect of a client.
- (H) Each program shall maintain documentation for the quality assurance, risk management and quality improvement activities that it conducts.

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3793:2-1-05 **Clinical management.**

(A) The purpose of this rule is to state the minimum clinical management requirements that a program must meet in order to be certified by the Ohio department of alcohol and drug addiction services as an alcohol and drug addiction outpatient treatment program, residential treatment program, ambulatory or sub-acute detoxification program or licensed as an opioid agonist program.

(B) The provisions of this rule are applicable to all of the following Ohio alcohol and drug treatment programs, public and private, regardless of whether they receive any public funds or funds that originate and/or pass through the Ohio department of alcohol and drug addiction services in accordance with division (A) of section 3793.06 of the Revised Code.

(1) Alcohol and drug addiction outpatient treatment programs.

(2) Alcohol and drug addiction residential treatment programs.

(3) Opioid agonist programs.

(4) Alcohol and drug addiction ambulatory detoxification programs.

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

(1) Alcohol and drug prevention programs.

(2) Alcohol and drug addiction sub-acute detoxification and acute hospital detoxification programs.

(3) Criminal justice therapeutic community programs.

(4) Treatment alternatives to street crime programs.

(5) Driver intervention programs.

(D) Each program shall be abstinence-based.

(E) Clinical organization:

The admission, continued stay and discharge/referral to each level of care based on

the Ohio department of alcohol and drug addiction services' protocols for levels of care (youth and adult) for publicly-funded clients shall be predicated upon the following factors:

- (1) A substance related disorder diagnosis based on the current "Diagnostic and Statistical Manual of Mental Disorders" for adult clients admitted to levels I-IV and levels I-III for youth.
- (2) The degree of severity for the following dimensions:
 - (a) Intoxication or withdrawal potential.
 - (b) Biomedical conditions and complications.
 - (c) Emotional/behavioral/cognitive conditions and complications.
 - (d) Treatment acceptance/resistance.
 - (e) Relapse potential.
 - (f) Recovery environment.
 - (g) Family or care giver functioning (for youth).
- (F) The admission, continued stay and discharge/referral to each level of care for non-publicly-funded clients shall be based on the Ohio department of alcohol and drug addiction services' protocol or other objective placement criteria.
- (G) Each alcohol and drug treatment program shall have written policies and/or procedures that include, but are not limited to:
 - (1) Admission criteria including criteria for financial eligibility and for determining appropriateness of services.
 - (2) Admission procedures.
 - (3) Procedures to follow when an individual has been determined to be inappropriate for admission to the program.

- (4) Procedures for transferring clients to a different treatment program within the same agency.
- (5) Identification and description of the alcohol and drug addiction services provided under each level of care.
- (6) Procedures for making a referral to other organizations, including a determination of the appropriateness of the referral, referral when the appropriate level of care is not provided by the program and provisions for obtaining a properly completed release form.
- (7) Procedures for transporting clients to other organizations, when necessary that include, but are not limited to:
 - (a) A hospital.
 - (b) A mental health facility for individuals who present a danger to self and/or others.
- (8) Procedures for terminating client services, including terminating against the advice of the program.
- (9) Procedures for the release of client information.
- (10) Procedures for obtaining an assessment for each client admitted or re-admitted to the program, including acceptance of an assessment performed by another program certified by the department or an assessment containing comparable elements of assessment per rule 3793:2-1-08 of the Administrative Code that has been performed within one year of the admission or re-admission date of a client. A copy of the assessment shall be filed in the client's record and updated, signed and dated by a staff member of the admitting program authorized to conduct an assessment pursuant to agency 3793 of the Administrative Code.
- (11) Procedures for developing an individualized treatment plan that addresses problems identified in the client's assessment.
- (12) Procedures for reporting suspected child abuse and/or neglect, consistent with sections 2151.42.1 and 2151.421 of the Revised Code, rule 5101:2-34-06 of the Administrative Code and rule 3793:2-1-03 of the Administrative Code.

- (13) All programs certified by the Ohio department of alcohol and drug addiction services shall have a policy on client behavioral interventions that includes, but is not limited to, the following:
- (a) A statement that the use of all cruel and unusual punishments and practices including, but not limited to physical or verbal abuse is prohibited:
 - (b) Statement indicating what types of interventions shall be employed.
 - (c) Statement that isolation in a locked, unmonitored room shall not occur.
 - (d) Statement that behavioral intervention shall only be administered by the program director, clinical director or program employees with direct care responsibilities who have been trained in the program's approved behavioral interventions policy and procedures.
- (14) Policy/procedure for referring or providing client education on exposure to, and the transmission of, tuberculosis, hepatitis type B and C, and HIV disease for each client admitted to the program. Documentation shall appear in the client record.

(H) Dietary services:

- (1) Each program shall operate its dietary services in accordance with laws, regulations and/or ordinances of the Ohio board of dietetics, Ohio department of health and/or local health department.
 - (a) Each program shall have policies and procedures for planning menus, preparing and serving food, procurement and storage of food, sanitation and waste disposal.
 - (b) Halfway house treatment programs and residential treatment programs shall make provisions for three nutritionally balanced meals daily for each client.
- (2) Each program that prepares and/or serves meals as part of its daily scheduled activities, shall follow written dietary policies and/or procedures that include, but are not limited to, the following:

- (a) Planning menus that meet the nutritional needs of clients in accordance with the current recommended daily allowance established by the national academy of science.
 - (b) Provisions for preparing and serving meals for persons with special dietary needs.
 - (c) Procurement, storage, preparation and serving of food.
 - (d) Maintaining the food service areas and storage areas in a sanitary condition.
 - (e) Waste disposal.
- (3) Each program that prepares and/or serves food shall have documentation to reflect that a dietician, who is licensed by the Ohio board of dietetics, has reviewed, signed, dated and approved:
- (a) The program's dietary policies and procedures.
 - (b) The program's menus.
 - (c) Special diets.

(I) Pharmaceutical services:

- (1) Each program that dispenses, administers and/or prescribes medications, shall have a license for the terminal distribution of dangerous drugs from the Ohio board of pharmacy.
- (a) "Administer" means the direct application of a drug to a person, whether by injection, ingestion or any other means.
 - (b) "Dispense" means the final association of a drug with a particular client pursuant to the prescription, drug order or other lawful order of a prescriber and the professional judgment of and the responsibility for: interpreting, preparing, compounding, labeling and packaging a specific drug.
- (2) Each program that dispenses, prescribes and/or administers medications shall

have written policies and/or procedures for pharmaceutical services, that include, at a minimum, the following in accordance with 21 C.F.R. 1305m, 21 C.F.R. 1307 and Chapter 4729. of the Revised Code:

- (a) Individuals who can dispense, prescribe and/or administer over-the-counter and prescription medications for the program.
 - (b) Ordering, receiving and storing prescription and over-the-counter medications.
 - (c) Administering medications.
 - (d) Dispensing and labeling medications.
 - (e) Procedures for disposal of all medications.
 - (f) Procedures for reporting theft or loss of prescription or over-the counter medications..
- (3) Each program that permits clients to medicate themselves shall have written policies and/or procedures that include, but are not limited to, the following:
- (a) Procedures for storing medications in a locked cabinet.
 - (b) Procedures for self-medication.
 - (c) Procedures for accounting for medications that are kept for the client while she/he is at the program site.
 - (d) Policy prohibiting clients from having unsecured prescription medications in their possession at the alcohol/drug program site or while involved in program activities off site unless required for medical necessity.
 - (e) Procedures for obtaining and for accounting for medications (prescription and over-the-counter) from clients at the time of admission to or upon entering the program site and return of same, as appropriate, at the time of the discharge/departure.
- (4) Clients shall not be denied admission to a program due solely to their use of prescribed psychotropic medication(s).

(J) Each program certified by the Ohio department of alcohol and drug addiction services shall have a clinical director (this title may be referred to as clinical coordinator, etc.) who has demonstrated experience and/or education in substance abuse treatment and holds one or more of the following credentials from a professional regulatory board in Ohio:

- (1) Physician who is licensed to practice medicine in Ohio by the Ohio state medical board.
- (2) Psychologist who is licensed by the Ohio state board of psychology.
- (3) Professional clinical counselor who is licensed by the state of Ohio counselor, a social worker and marriage and family therapist board and whose declaration statement includes substance abuse assessment and counseling and supervision.
- (4) Licensed independent social worker who is licensed by the state of Ohio counselor, social worker and marriage and family therapist board and whose declaration statement includes substance abuse assessment and counseling.
- (5) Registered nurse with the Ohio board of nursing who has demonstrated experience and/or education in substance use disorder treatment.
- (6) Certified chemical dependency counselor III-E, or licensed independent chemical dependency counselor, who is licensed by the chemical dependency professionals board.
- (7) Licensed independent marriage and family therapist who is licensed by the state of Ohio counselor, social worker & marriage and family therapist board and whose declaration statement includes substance abuse assessment and counseling and supervision.

(K) Individuals qualified to be alcohol and drug treatment services supervisors pursuant to rule 3793:2-1-08 of the Administrative Code shall:

- (1) Conduct regularly scheduled individual and/or group supervision sessions.
- (2) Develop written goals and methods for supervision that are agreed upon with the supervisee.

- (3) Document what occurred during supervision sessions and progress with supervision goals.

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TO BE RESCINDED

3793:2-1-06 **Client records.**

(A) The purpose of this rule is to state the minimum client records requirements for certification/licensure as an alcohol and drug addiction treatment program.

(B) The provisions of this rule are applicable to all of the following Ohio alcohol and drug addiction treatment programs, public and private, regardless of whether they receive any public funds that originate and/or pass through the Ohio department of alcohol and drug addiction services, in accordance with division (A) of section 3793.06 of the Revised Code.

(1) Alcohol and drug addiction outpatient treatment programs.

(2) Alcohol and drug addiction residential treatment programs.

(3) Opioid agonist programs.

(4) Alcohol and drug addiction ambulatory detoxification programs.

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

(1) Alcohol and drug prevention programs.

(2) Alcohol and drug addiction sub-acute detoxification and acute hospital detoxification programs.

(3) Criminal justice therapeutic community programs.

(4) Treatment alternatives to street crime programs.

(5) Driver intervention programs.

(D) Each program shall have written policies and/or procedures for maintaining a uniform client records system that include, at a minimum, the following:

(1) Confidentiality of client records that includes, at a minimum, the following statements:

(a) Program staff shall not convey to a person outside of the program that a

client attends or receives services from the program or disclose any information identifying a client as an alcohol or other drug services client unless the client consents in writing for the release of information, the disclosure is allowed by a court order, or the disclosure is made to a qualified personnel for a medical emergency, research, audit or program evaluation purposes.

- (b) Federal laws and regulations do not protect any threat to commit a crime, any information about a crime committed by a client either at the program or against any person who works for the program.
- (c) Federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.

(2) Access to client records:

- (a) By clients.
- (b) By staff.
- (c) By individuals other than clients or staff.

(3) Release of client information.

(4) Components of client records and time lines, when applicable, for completing each component.

(5) Storage of client records that requires client records be maintained in accordance with 42 C.F.R. part 2, confidentiality of alcohol and drug abuse client records.

(6) Destruction of client records to include the requirement that records be maintained for at least seven years after clients have been discharged from the program. Client records shall be destroyed to maintain client confidentiality as required by state and federal law.

(E) Programs shall maintain documentation for services provided.

(F) Components of client records shall include, but not be limited to, the following:

- (1) Identification of client (name of client and/or client identification number).
 - (2) Assessment.
 - (3) Consent for alcohol and other drug treatment services.
 - (4) Client fee agreement.
 - (5) Documentation to reflect that the client was given a copy of the following:
 - (a) Program rules or expectations of clients.
 - (b) Client rights and grievance procedures.
 - (c) Written summary of the federal laws and regulations that indicate the confidentiality of client records is protected as required by 42 CFR Part B, paragraph 2.22.
 - (6) Diagnosis.
 - (7) Treatment plans.
 - (8) Case management plans of care.
 - (9) Progress notes.
 - (10) Disclosure of client information forms, when applicable.
 - (11) Termination summary/discharge plan.
- (G) Disclosure of client information forms shall include the following information as required by 42 C.F.R. part 2:
- (1) Name of the program making the disclosure.
 - (2) Name or title of the individual or the name of the organization to which the disclosure is to be made.

- (3) Name of the client.
 - (4) Purpose of the disclosure.
 - (5) Type and amount of information to be disclosed.
 - (6) Signature of the client or person authorized to give consent.
 - (7) Date client or other authorized person signed the form.
 - (8) Statement that the consent is subject to revocation at any time except to the extent the program or person who is to make the disclosure has already acted in reliance on it.
 - (9) The date, event or condition upon which the consent will expire, unless revoked before that specified time.
- (H) Each disclosure made with the client's written consent must be consistent with 42 C.F.R. part 2, by including the following written statement: "This information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client."
- (I) A diagnosis shall be made by a clinician who can diagnose substance-related disorders as authorized by the Ohio Revised Code, and shall be recorded in each client's record upon completion of assessment. Supporting documentation in the client record shall include:
- (1) Identification of the client.
 - (2) Diagnosis.
 - (3) Signs and symptoms justifying the diagnosis.
 - (4) Date the diagnosis was made.

- (5) Original signature and credentials of the clinician making the diagnosis.
- (J) A program may accept a diagnosis made within ninety days of the admission date of a client by a clinician who can diagnose substance-related disorders as authorized by the Ohio Revised Code.
- (K) The individualized treatment plan and case management plan of care may be integrated into a single plan as long as the single plan meets the criteria of paragraphs (L) and (M) of this rule.
- (L) An individualized treatment plan (ITP) shall be written for each client within seven days of completion of the assessment or at the time of the first face-to-face contact following assessment. Individualized treatment plans shall be based on assessment and include, at a minimum, the following:
- (1) Client identification (name and/or identification number).
 - (2) Level of care to which client is admitted.
 - (3) Problem(s) to be addressed including but not limited to diagnosis or diagnoses and other primary problems based upon clinician recommendations.
 - (4) Measurable goals that address client's needs.
 - (5) Measurable treatment objectives with time frame for achievement of each objective.
 - (6) Frequency, duration and types of treatment services as described in rule 3793:2-1-08 of the Administrative Code.
 - (7) Original signature of the client.
 - (8) Date, original signature and credentials of the person who completed the plan and is qualified to provide alcohol and drug addiction services in accordance with rule 3793:2-1-08 of the Administrative Code.
- (M) A case management plan of care (CMP) shall be written for each client that receives case management services. The CMP shall be completed prior to a client receiving case management services and shall include, at a minimum:

- (1) Comprehensive assessment and periodic reassessment of individual needs. The case management assessment, which can be the same as or derived from the assessment service defined in rule 3793:2-1-08 of the Administrative Code as long as the components described in this rule are also met, shall include:
 - (a) Taking or reviewing a client's history.
 - (b) Identification of the needs of the individual.
 - (c) As necessary, gathering information from other sources. Other sources may include, but are not limited to, family members, medical providers, other behavioral health providers, the criminal or juvenile justice systems, child welfare, social workers and educators.
 - (d) The first CMP reassessment, whether it is stand alone or integrated with the ITP, shall be conducted at least ninety days from the completion of the initial CMP and at least once every ninety days following each reassessment.
- (2) Development and periodic revision of the CMP shall be based on the case management assessment that includes the following:
 - (a) Goals and actions to address the medical, social, educational and other services needed by the client.
 - (b) Activities that ensure active participation by the client in developing case management goals.
 - (c) Course of action to respond to the assessed case management needs of the client.
- (3) Referral and related activities to assist the client to obtain needed services, including but not limited to, activities that help link the client with medical, social and educational providers or other programs and services in order to meet identified needs and goals in the CMP.
- (4) Monitoring and follow-up activities in order to determine if the following conditions have been met:
 - (a) Services are being furnished in accordance with the CMP.

- (b) Services in the CMP are adequate.
 - (c) Changes in the needs and status of the client.
- (N) Programs shall have written policies and procedures that specify criteria and time frames for reviewing and updating an ITP, which take into account the client's changing clinical needs and response to treatment. If the ITP and CMP are integrated, then the integrated plan must be reviewed and updated in accordance with paragraph (M)(1)(d) of this rule.
- (O) Progress notes shall be written to reflect the implementation and evaluation of ITPs for clients admitted to programs. Progress notes are required to include sufficient content to justify the client's continuing need for services. Each service listed in rule 3793:2-1-08 of the Administrative Code delivered to the client, with the exception of urinalysis, shall be documented as defined in this rule in the client's record with either a service level, daily or weekly progress note. Results of urinalysis testing shall be placed in the client's file per paragraph (R)(1)(g) of rule 3793:2-1-08 of the Administrative Code.
 - (1) Progress notes shall indicate progress the client is making towards achieving the goals and objectives that are identified in the individualized treatment plan.
- (P) Service level progress notes shall include, at a minimum, the following:
 - (1) Client identification (name and/or identification number).
 - (2) Date of service contact or service delivery.
 - (3) Length of time of service contact or service delivery (calculated by the number of hours, minutes and/or start and ending time of service delivery).
 - (4) Type of service (for example, case management, individual counseling, group counseling, crisis intervention, etc.).
 - (5) Summary of what occurred during the service contact or service delivery.
 - (6) Date, original signature and credentials (registration, certification and/or license) of the staff member providing the service.
- (Q) If provided, the following modalities and/or activities shall be documented in each

client's record: occupational therapy, recreational therapy, activity therapies, parenting skills training, alcoholism and drug addiction client education, expressive therapies (art, drama, poetry, music, movement) and nutrition education.

(1) If provided, a progress note is not required for parenting skills training, alcoholism and drug addiction client-education, urinalysis and nutrition education; however, documentation verifying the client's attendance is necessary.

(2) If provided, a progress note is required for occupational therapy, recreational therapy, activity therapy, expressive therapy and nutrition counseling.

(R) Daily or weekly progress notes shall include, at a minimum, the following and may include checklists:

(1) Client identification (name and/or identification number);

(2) For daily progress notes, the calendar day the progress note is applicable to;

(3) For weekly progress notes, the weekly period the progress note is applicable to. (must be a continuous 7 day period);

(4) An overall summary of the client's treatment progress during the note period.

(5) Date, original signature and credential (registration, certification and/or license) of the staff member writing the daily or weekly progress note. The staff member must be qualified, in accordance with rule 3793:2-1-08 of the Administrative Code, to provide all of the services documented in the daily or weekly service log.

(S) Client records utilizing daily or weekly progress notes pursuant to paragraph (P) of this rule must contain a service log that includes, at a minimum, the following which may include checklists:

(1) Date of service for each service provided during the day or week.

(2) Type of services (for example, case management, individual counseling, group counseling, crisis intervention, etc.) provided during the day or week.

(3) Length of time of each service contact or service delivery (calculated by the number of hours, minutes and/or start and ending time of each service

delivery.

- (4) The signature and license of each clinician who provided services during the day or week.
- (T) A termination summary shall be prepared within thirty calendar days after treatment has been terminated in accordance with the client's individualized treatment plan. For purposes of this rule, treatment has been terminated when no treatment services have been provided or upon documentation of last communication or attempted communication with the client. Services must be documented in the client's chart in order to establish the timeline governing the preparation of the termination summary. Termination summaries/discharges summaries shall include, at a minimum, the following:
- (1) Client identification (name and/or identification number).
 - (2) Date of admission.
 - (3) Date of discharge.
 - (4) Diagnosis.
 - (5) The degree of severity at admission and at discharge for the following dimensions shall be based on the Ohio department of alcohol and drug addiction services' protocols for levels of care (youth and adult) for publicly-funded clients. For non-publicly-funded clients, the degree of severity at admission and discharge shall be based on the Ohio department of alcohol and drug addiction services' protocols for levels of care or other objective placement criteria:
 - (a) Intoxication and withdrawal.
 - (b) Biomedical conditions and complications.
 - (c) Emotional/behavioral/cognitive conditions and complications.
 - (d) Treatment acceptance/resistance.
 - (e) Relapse potential.
 - (f) Recovery environment.

- (g) Family or care giver functioning (for youth).
- (6) Level of care and service(s) provided during course of treatment.
- (7) Client's response to treatment.
- (8) Recommendations and/or referrals for additional alcohol and drug addiction treatment or other services.
- (9) Date, original signature and credentials of a person qualified to provide counseling services in accordance with rule 3793:2-1-08 of the Administrative Code.
- (U) If a program maintains electronic health records (EHRs) it must be a system or module that is certified in accordance with the Public Health Service Act (PHSA) Title XXX and also comply with section 3701.75 of the Revised Code.
- (V) If a program discontinues operations or is taken over or acquired by another entity, it shall comply with 42 C.F.R., part 2, subsection 2.19 which governs the disposition of records by discontinued programs.

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CERTIFIED ELECTRONICALLY

Certification

12/17/2015

Date

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TO BE RESCINDED

3793:2-1-07 **Client rights and grievances.**

- (A) The purpose of this rule is to state the minimum client rights and grievances requirements for certification by the Ohio department of alcohol and drug addiction services as an alcohol and drug addiction treatment program.
- (B) The provisions of this rule are applicable to all of the following programs, public or private, regardless of whether they receive any public funds or funds that originate and/or pass through the Ohio department of alcohol and drug addiction services in accordance with division (A) of section 3793.06 of the Revised Code.
- (1) Alcohol and drug addiction outpatient treatment programs.
 - (2) Alcohol and drug addiction residential treatment programs.
 - (3) Opioid agonist programs.
 - (4) Alcohol and drug addiction ambulatory detoxification programs.
- (C) The provisions of this rule are not applicable to the following programs:
- (1) Alcohol and drug prevention programs.
 - (2) Alcohol and drug addiction sub-acute and acute hospital detoxification programs.
 - (3) Criminal justice therapeutic community programs.
 - (4) Treatment alternatives to street crime programs.
 - (5) Driver intervention programs.
- (D) Deemed status shall be granted to waive sections of the administrative code if the program if the program is certified/licensed by the Ohio department of mental health. Deemed provisions include paragraphs (E), (F), (G), (H) and (I)(1) to (I)(6) and (I)(8) of this rule.
- (E) Each program shall have the following:

- (1) Client rights policy that lists all of the client rights identified in this rule.
 - (2) Client grievance procedure.
 - (3) Policy for maintaining for at least two years from resolution, records of client grievances that include, at a minimum, the following:
 - (a) Copy of the grievance.
 - (b) Documentation reflecting process used and resolution/remedy of the grievance.
 - (c) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty-one calendar days.
- (F) The rights of clients for each program shall include, but not be limited to, the following:
- (1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
 - (2) The right to receive services in the least restrictive, feasible environment.
 - (3) The right to be informed of one's own condition.
 - (4) The right to be informed of available program services.
 - (5) The right to give consent or to refuse any service, treatment or therapy.
 - (6) The right to participate in the development, review and revision of one's own individualized treatment plan and receive a copy of it.
 - (7) The right or freedom from unnecessary or excessive medication, unnecessary physical restraint or seclusion.
 - (8) The right to be informed and the right to refuse any unusual or hazardous treatment procedures.

- (9) The right to be advised and the right to refuse observation by others and by techniques such as one-way vision mirrors, tape recorders, video recorders, television, movies or photographs.
 - (10) The right to consult with an independent treatment specialist or legal counsel at one's own expense.
 - (11) The right to confidentiality of communications and personal identifying information within the limitations and requirements for disclosure of client information under state and federal laws and regulations.
 - (12) The right to have access to one's own client record in accordance with program procedures.
 - (13) The right to be informed of the reason(s) for terminating participation in a program.
 - (14) The right to be informed of the reason(s) for denial of a service.
 - (15) The right not to be discriminated against for receiving services on the basis of race, ethnicity, age, color, religion, sex, national origin, disability or HIV infection, whether asymptomatic or symptomatic, or AIDS.
 - (16) The right to know the cost of services.
 - (17) The right to be informed of all client rights.
 - (18) The right to exercise one's own rights without reprisal.
 - (19) The right to file a grievance in accordance with program procedures.
 - (20) The right to have oral and written instructions concerning the procedure for filing a grievance.
- (G) the program's client rights policy and the program's client grievance procedure shall:
- (1) Be posted in a place accessible by clients at each program site.
 - (2) Be given to each client at admission, with documentation of same included in

the client record.

- (H) All staff involved with the operation of an alcohol and drug addiction program shall be familiar with the program's client rights policy and client grievance procedure. There shall be documentation in each employee's personnel file, including contract staff, volunteers and student interns that she/he has received a copy of the client rights policy and the client grievance procedure and has agreed to abide by them.
- (I) Each alcohol and drug addiction treatment program shall have a client grievance procedure that has provisions for, but is not limited to, the following:
- (1) Requirement that the grievance must be in writing.
 - (2) Requirement that the grievance must be dated and signed by the client or the individual filing the grievance on behalf of the client.
 - (3) Requirement that the grievance include the date, approximate time, description of the incident and names of individuals involved in the incident/situation being grieved.
 - (4) Statement to whom the client is to give the grievance.
 - (5) Statement that the program will make a resolution decision on the grievance within twenty-one calendar days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended must be documented in the grievance file and written notification given to the client.
 - (6) Designation of staff who will be available to assist a client in filing of a grievance.
 - (7) Statement that a client has the option to file a grievance with outside organizations, that include, but are not limited to, the following, with the mailing address and telephone numbers for each stated:
 - (a) Applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services board.
 - (b) Ohio department of alcohol and drug addiction services.
 - (c) Ohio legal rights services.

- (d) U.S. department of health and human services, civil rights regional office in Chicago.
- (8) Requirement that a written acknowledgment of receipt of the grievance be provided to each grievant. Such acknowledgment shall be provided within three working days from receipt of the grievance. The written acknowledgment shall include, but not be limited to, the following:
- (a) Date grievance was received.
 - (b) Summary of grievance.
 - (c) Overview of grievance investigation process.
 - (d) Timetable for completion of investigation and notification of resolution.
 - (e) Treatment provider contact name, address and telephone number.

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