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5122-29-15 Peer recovery services.

- (A) Peer recovery services are community-based services for individuals with a mental illness or substance use disorder; and consist of activities that promote recovery, self-determination, self-advocacy, well-being, and independence. Peer recovery services are individualized, recovery-focused, and based on a relationship that supports a person's ability to promote their own recovery.
- (B) Peer recovery services promote self-directed recovery by assisting an individual. They promote trauma informed care and diversity competence, encourage self-direction, and advocate for informed choice.
- (C) Peer recovery services may include, but are not limited to:
- (1) Ongoing exploration of recovery needs;
 - (2) Supporting individuals in achieving personal independence as identified by the individual;
 - (3) Encouraging hope;
 - (4) Facilitation of further development of daily living skills;
 - (5) Developing and working toward achievement of personal recovery goals;
 - (6) Modeling personal responsibility for recovery;
 - (7) Teaching skills to effectively navigate to the health care delivery system to effectively and efficiently utilize services;
 - (8) Providing group facilitation that addresses symptoms or behaviors, though processes that assist an individual in eliminating barriers to seeking or maintaining recovery, employment, education, or housing;
 - (9) Assisting with accessing and developing natural support systems in the community;
 - (10) Promoting coordination and linkage among similar providers;
 - (11) Coordinating or assistance in crisis interventions and stabilization as needed;
 - (12) Conducting outreach;
 - (13) Attending and participating in treatment team; or,
 - (14) Assisting individuals in the development of empowerment skills through self-advocacy and stigma busting activities that encourage hope.
- (D) Peer recovery services are not site specific but shall be provided in locations that meet the needs of the individual.
- (E) Peer recovery services may be facilitated to individuals or groups.
- (F) Peer recovery services shall be provided by certified peer recovery service providers, and supervised by staff that have knowledge of the role of peer delivered services and who have completed a sixteen hour on-line training administered by OhioMHAS.

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(G) A “certified peer recovery service provider” is an individual who has self-identified as being in recovery from a mental illness or substance use disorder, and has been certified through the Ohio department of mental health and addiction services (OhioMHAS).

Peer recovery services provider certification requires the completion of the following requirements:

- (1) A sixteen hour on-line training administered by OhioMHAS;
- (2) Submission of proof of a minimum of forty hours of peer service delivery training or three equivalent years formal experience in peer service delivery;
- (3) Passing the OhioMHAS peer recovery supporter exam;
- (4) Submission of a signed agreement to follow the certified peer recovery supporter pledge established by OhioMHAS;
- (5) The submission of a completed application; and,
- (6) The results of a bureau of criminal identification and investigation criminal records check conducted within thirty days prior to submission.

Certified peer recovery supporters may have an identified specialty of mental health or addiction based upon their personal recovery experience.

(H) Certified peer recovery service providers shall be certified for a period of two years from the date of issuance of certification by OhioMHAS.

(I) Peer recovery service provider certification may be renewed by submission to OhioMHAS of:

- (1) A renewal application;
- (2) Proof of thirty hours of continuing education credits; and,
- (3) The results of a bureau of criminal identification and investigation criminal records check conducted within thirty days prior to submission.

Renewal of certified peer recovery service provider status is dependent on all materials being completed and submitted to OhioMHAS. Renewal of certification is for two years from the date of the expiration of previous certification or the completion of the review of renewal materials, whichever is later.

(J) Peer recovery service provider certification may be denied, not renewed, or revoked for any of the following:

- (1) A failure to provide peer recovery services in accordance with the standards set forth in this rule.
- ~~(1)~~ (2) A failure to submit a complete certification or renewal application.
- ~~(2)~~ (3) A failure to complete any of the requirements for certification or renewal.
- ~~(1)~~ (4) OhioMHAS determines that the certified peer recovery supporter pledge has been violated.
- (5) The individual is included in one of the following databases:

(a) The list of excluded persons and entities maintained by the office of inspector general in the United

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States department of health and human services pursuant to section 1128 of the Social Security Act, 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, and section 1156 of the Social Security Act, 96 Stat. 388 (1982), 42 U.S.C. 1320c-5 (available at <http://exclusions.oig.hhs.gov/>);

(b) The abuser registry established pursuant to section 5123.52 of the Revised Code (available at https://its.prodapps.dodd.ohio.gov/abr_default.aspx);

(c) The nurse aide registry established pursuant to section 3721.32 of the Revised Code (available at https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx) and there is a statement detailing findings by the director of the Ohio department of health that the applicant or employee neglected or abused a resident of a long-term care facility or residential care facility or misappropriated property of such a resident;

(d) The sex offender and child-victim offender database established pursuant to division (A)(11) of section 2950.13 of the Revised Code (available at <http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>);

(e) The United States general services administration system for award management database (available at <https://www.sam.gov/>); and

(f) The database of incarcerated and supervised offenders established pursuant to section 5120.066 of the Revised Code (available at <http://www.drc.ohio.gov/OffenderSearch/Search.aspx>).

~~(4)-(6)~~ The peer recovery service provider is convicted of or pleads guilty to any of the disqualifying offense listed in paragraph (M) of this rule.

~~-~~(7) The individual has a negative finding from the OhioMHAS Conflict of Interest Review Committee.

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

~~(H)~~(L) Continuing education shall be based on individual needs, skill level, and interest of the individual; and shall address, at a minimum, the following:

(1) An understanding of systems care, such as natural support systems, entitlements and benefits, inter and intra-agency systems of care, crisis response systems, medications, culture, trauma informed care, diversity competence, and intent of peer recovery services

(2) Characteristics of populations to be served such as symptoms, medications, culture, age, gender, sexual orientation, and human development

(M) Disqualifying offenses.

(1) There are five tiers of disqualifying offenses with corresponding time periods that preclude an individual from being certified as a peer recovery service provider.

(a) Tier one: permanent exclusion. No individual shall be certified as a peer recovery service provider if they have been convicted of or pleaded guilty to any of the following sections of the Revised Code:

(i) 2903.01 (aggravated murder);

(ii) 2903.02(murder) ;

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- (iii) 2903.03 (voluntary manslaughter);
- (iv) 2903.11 (felonious assault);
- (v) 2903.15 (permitting child abuse);
- (vi) 2903.16 (failing to provide for a functionally impaired person);
- (vii) 2903.34 (patient abuse and neglect);
- (viii) 2903.341 (patient endangerment);
- (ix) 2905.01(kidnapping) ;
- (x) 2905.02(abduction) ;
- (xi) 2905.32 (human trafficking);
- (xii) 2905.33 (unlawful conduct with respect to documents);
- (xiii) 2907.02(rape) ;
- (xiv) 2907.03 (sexual battery);
- (xv) 2907.04 (unlawful sexual conduct with a minor, formerly corruption of a minor);
- (xvi) 2907.05 (gross sexual imposition);
- (xvii) 2907.06 (sexual imposition);
- (xviii) 2907.07(importuning) ;
- (xix) 2907.08(voyeurism) ;
- (xx) 2907.12 (felonious sexual penetration);
- (xxi) 2907.31 (disseminating matter harmful to juveniles);
- (xxii) 2907.32 (pandering obscenity);
- (xxiii) 2907.321 (pandering obscenity involving a minor);
- (xxiv) 2907.322 (pandering sexually-oriented matter involving a minor);
- (xxv) 2907.323 (illegal use of minor in nudity-oriented material or performance);
- (xxvi) 2909.22 (soliciting/providing support for act of terrorism);
- (xxvii) 2909.23 (making terrorist threat);
- (xxviii) 2909.24(terrorism) ;
- (xxix) 2913.40 (medicaid fraud);
- (xxx) 2923.01(conspiracy), 2923.02(attempt), or 2923.03(complicity) when the underlying offense is

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any of the offenses or violations described in paragraphs (M)(1)(a)(i) to (M)(1)(a)(xxix) of this rule;

(xxxi) A conviction related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in section 2913.46 of the Revised Code (illegal use of supplemental nutrition assistance program or women, infants, and children program benefits); or

(xxxii) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (M)(1)(a)(i) to (M)(1)(a)(xxxix) of this rule.

(b) No individual shall be certified as a peer recovery service provider if they have been convicted of an offense, where the victim of the offense was one of the following:

(i) A person under eighteen years of age.

(ii) A functionally impaired person as defined in section 2903.10 of the Revised Code.

(iii) A mentally retarded person as defined in section 5123.01 of the Revised Code.

(iv) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(v) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(vi) A person sixty years of age or older.

(c) Tier two: ten-year exclusion. No individual shall be certified as a peer recovery service provider, for a period of ten years from the date the applicant was fully discharged from imprisonment, probation, and parole, if the applicant has been convicted of or pleaded guilty to any of the following sections of the Revised Code:

(i) 2903.04 (involuntary manslaughter);

(ii) 2903.041 (reckless homicide);

(iii) 2905.04 (child stealing) as it existed prior to July 1, 1996;

(iv) 2905.05 (criminal child enticement);

(v) 2905.11(extortion) ;

(vi) 2907.21 (compelling prostitution);

(vii) 2907.22 (promoting prostitution);

(viii) 2907.23 (enticement or solicitation to patronize a prostitute, procurement of a prostitute for another);

(ix) 2909.02 (aggravated arson);

(x) 2909.03(arson) ;

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- (xi) 2911.01 (aggravated robbery);
 - (xii) 2911.11 (aggravated burglary);
 - (xiii) 2913.46 (illegal use of supplemental nutrition assistance program or women, infants, and children program benefits);
 - (xiv) 2913.48 (worker's compensation fraud);
 - (xv) 2913.49 (identity fraud);
 - (xvi) 2917.02 (aggravated riot);
 - (xvii) 2923.12 (carrying concealed weapon);
 - (xviii) 2923.122 (illegal conveyance or possession of deadly weapon or dangerous ordnance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone);
 - (xix) 2923.123 (illegal conveyance, possession, or control of deadly weapon or dangerous ordnance into courthouse);
 - (xx) 2923.13 (having weapons while under disability);
 - (xxi) 2923.161 (improperly discharging a firearm at or into a habitation or school);
 - (xxii) 2923.162 (discharge of firearm on or near prohibited premises);
 - (xxiii) 2923.21 (improperly furnishing firearms to minor);
 - (xxiv) 2923.32 (engaging in pattern of corrupt activity);
 - (xxv) 2923.42 (participating in criminal gang);
 - (xxvi) 2925.02 (corrupting another with drugs);
 - ~~(xxx)~~(xxvii) 3716.11 (placing harmful objects in food or confection);
 - ~~(xxxi)~~(xxviii) 2923.01(conspiracy), 2923.02(attempt), or 2923.03(complicity) when the underlying offense is any of the offenses or violations described in paragraphs (D)(1)(c)(i) to (D)(1)(c)(xxvii) of this rule; or
 - ~~(xxxii)~~(xxix) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (D)(1)(c)(i) to (D)(1)(c)(xxviii) of this rule.
- (d) Tier three: seven-year exclusion. No individual shall be certified as a peer recovery service provider, for a period of seven years from the date the applicant was fully discharged from imprisonment, probation, and parole, if the applicant has been convicted of or pleaded guilty to any of the following sections of the Revised Code:
- (i) 959.13 (cruelty to animals);

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- (ii) 959.131 (prohibitions concerning companion animals);
- (iii) 2903.12 (aggravated assault);
- (iv) 2903.21 (aggravated menacing);
- (v) 2903.211 (menacing by stalking);
- (vi) 2905.12(coercion) ;
- (vii) 2909.04 (disrupting public services);
- (viii) 2911.02(robbery) ;
- (ix) 2911.12(burglary) ;
- (x) 2913.47 (insurance fraud);
- (xi) 2917.01 (inciting to violence);
- (xii) 2917.03(riot) ;
- (xiii) 2917.31 (inducing panic);
- (xiv) 2919.22 (endangering children);
- (xv) 2919.25 (domestic violence);
- (xvi) 2921.03(intimidation) ;
- (xvii) 2921.11(perjury) ;
- (xviii) 2921.13 (falsification, falsification in theft offense, falsification to purchase firearm, or falsification to obtain a concealed handgun license);
- (xix) 2921.34(escape) ;
- (xx) 2921.35 (aiding escape or resistance to lawful authority);
- (xxi) 2921.36 (illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution);
- ~~(xxiv)~~(xxii) 2925.24 (tampering with drugs);
- ~~(xxv)~~(xxiii) 2927.12 (ethnic intimidation);
- ~~(xxvi)~~(xxiv) 2923.01(conspiracy), 2923.02(attempt), or 2923.03(complicity) when the underlying offense is any of the offenses or violations described in paragraphs (M)(1)(d)(i) to (M)(1)(d)(xxiii) of this rule; or
- ~~(xxvii)~~(xxv) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (M)(1)(d)(i) to (M)(1)(d)(xxiv) of this rule.

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(e) Tier four: five-year exclusion. No individual shall be certified as a peer recovery service provider, for a period of five years from the date the applicant was fully discharged from imprisonment, probation, and parole, if the applicant has been convicted or pleaded guilty to any of the following sections of the Revised Code:

(i) 2903.13(assault);

(ii) 2903.22(menacing);

(iii) 2907.09 (public indecency);

(iv) 2907.24 (soliciting after positive human immunodeficiency virus test);

~~(vi)~~(v) 2907.33 (deception to obtain matter harmful to juveniles);

~~(vii)~~(vi) 2911.13 (breaking and entering);

~~(viii)~~(vii) 2913.02(theft) ;

~~(ix)~~(viii) 2913.03 (unauthorized use of a vehicle);

~~(x)~~(ix) 2913.04 (unauthorized use of property, computer, cable, or telecommunication property);

~~(xi)~~(x) 2913.05 (telecommunications fraud);

~~(xiv)~~(xi) 2913.31 (forgery, forging identification cards);

~~(xv)~~(xii) 2913.32 (criminal simulation);

~~(xvii)~~(xiii) 2913.42 (tampering with records);

~~(xviii)~~(xiv) 2913.43 (securing writings by deception);

~~(xix)~~(xv) 2913.44 (personating an officer);

~~(xx)~~(xvi) 2913.441 (unlawful display of law enforcement emblem);

~~(xxi)~~(xvii) 2913.45 (defrauding creditors);

~~(xxii)~~(xviii) 2913.51 (receiving stolen property);

~~(xxiii)~~(xix) 2919.12 (unlawful abortion);

~~(xxiv)~~(xx) 2919.121 (unlawful abortion upon minor);

~~(xxv)~~(xxi) 2919.123 (unlawful distribution of an abortion-inducing drug);

~~(xxvi)~~(xxii) 2919.23 (interference with custody);

~~(xxvii)~~(xxiii) 2919.24 (contributing to unruliness or delinquency of child);

~~(xxviii)~~(xxiv) 2921.12 (tampering with evidence);

~~(xxix)~~(xxv) 2921.21 (compounding a crime);

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- ~~(xxx)~~ (xxvi) 2921.24 (disclosure of confidential information);
 - ~~(xxxi)~~ (xxvii) 2921.32 (obstructing justice);
 - ~~(xxxii)~~ (xxviii) 2921.321 (assaulting/harassing police dog or horse/service animal);
 - ~~(xxxiii)~~ (xxix) 2921.51 (impersonation of peace officer);
 - ~~(xxxiv)~~ (xxx) 2925.09 (illegal administration, dispensing, distribution, manufacture, possession, selling, or using any dangerous veterinary drug);
 - ~~(xxxvii)~~ (xxxi) 2925.22 (deception to obtain dangerous drugs);
 - ~~(xxxviii)~~ (xxxii) 2925.23 (illegal processing of drug documents);
 - ~~(xxxix)~~ (xxxiii) 2925.36 (illegal processing of drug samples);
 - ~~(xlii)~~ (xxxiv) 2923.01(conspiracy), 2923.02(attempt), or 2923.03(complicity) when the underlying offense is any of the offenses or violations described in paragraphs (M)(1)(e)(i) to (M)(1)(e)(xxxiii) of this rule; or
 - ~~(xliii)~~ (xxxv) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (M)(1)(e)(i) to (M)(1)(e)(xxxiv) of this rule.
- (f) Tier five: no exclusion. An individual may be certified as a peer recovery service provider, if the applicant or employee has been convicted of or pleaded guilty to any of the following sections of the Revised code:
- (i) 2907.25(prostitution)
 - ~~(i)~~ (ii) 2913.11 (passing bad checks);
 - ~~(ii)~~ (iii) 2913.21 (misuse of credit cards);
 - ~~(iii)~~ (iv) 2913.41 (defrauding a rental agency or hostelry);
 - ~~(iv)~~ (v) 2925.03 (trafficking in drugs);
 - (vi) 2925.041 (illegal assembly or possession of chemicals for the manufacture of drugs);
 - (vii) 2925.05 (funding of drug or marihuana trafficking);
 - (viii) 2925.06 (illegal administration or distribution of anabolic steroids);
 - ~~(i)~~ (ix) 2925.11 (drug possession);
 - (x) 2925.13 (permitting drug abuse);
 - ~~(ii)~~ (xi) 2925.14 (illegal use or possession of drug paraphernalia);
 - ~~(iii)~~ (xii) 2925.141 (illegal use or possession of marihuana drug paraphernalia); or
 - (xiii) 2925.55 (unlawful purchase of pseudoephedrine product);

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(xiv) 2925.56 (unlawful sale of pseudoephedrine product);

~~(iv)~~(xv) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in paragraphs (M)(1)(f)(i) to (M)(1)(f)(xiv) of this rule.

(2) Multiple disqualifying offenses.

(a) If an applicant or employee has been convicted of or pleaded guilty to multiple disqualifying offenses; including those listed in paragraphs (M)(1)(c), (M)(1)(d), and (M)(1)(e) of this rule, the applicant or employee is subject to a fifteen-year exclusion period.

(b) If an applicant or employee has been convicted of or pleaded guilty to multiple disqualifying offenses; including those listed in paragraphs (M)(1)(d) and (M)(1)(e) of this rule, the applicant or employee is subject to a ten-year exclusion period.

(c) If an applicant or employee has been convicted of or pleaded guilty to multiple disqualifying offenses, including those listed in paragraph (M)(1)(e) of this rule, the applicant or employee is subject to a seven-year exclusion period.

(3) A conviction of or plea of guilty to a disqualifying offense listed or described in paragraph (M)(1) of this rule shall not preclude an applicant from being employed or an employee from remaining employed by a responsible entity under the following circumstances:

(a) The applicant or employee has been granted an unconditional pardon for the offense pursuant to chapter 2967. of the Revised Code;

(b) The applicant or employee has been granted an unconditional pardon for the offense pursuant to an existing or former law of this state, any other state, or the United States, if the law is substantially equivalent to chapter 2967. of the Revised Code;

(c) The applicant's or employee's conviction or guilty plea has been overturned pursuant to law;

(d) The applicant or employee has been granted a conditional pardon for the offense pursuant to chapter 2967. of the Revised Code and the conditions under which the pardon was granted have been satisfied;