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5122-30-04 Licensure application and procedures.

- (A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds.
- (1) The application shall consist of:
- (a) Completed application form, which shall indicate at least the class of facility to be licensed, the maximum number of residents, the maximum number of household members, and whether or not the facility shall serve those with mental illness or severe mental disabilities;
 - (b) Approved building inspection, upon initial application only, and when building modifications require appropriate building inspections per Ohio basic building code;
 - (c) Approved fire inspection;
 - (d) Non-refundable, non-waivable licensure fee of: one hundred fifty dollars for ~~type-class~~ class 1 facilities, and seventy-five dollars for ~~type-class~~ class 2 and 3 facilities;
 - (e) A line drawing or description of the ~~showing~~ location and function of all resident and staff areas; and
 - (f) If a waiver or variance is to be requested, the application shall include written request in the form required by rule 5122-30-07 of the Administrative Code.
 - ~~(f) (f) For type 1 residential facilities only, copy of agency service plan specific to the proposed services in accordance with rules 5122-24 to 5122-29 of the Administrative Code.~~
- (2) The proposed facility shall be subject to an on-site inspection by the department prior to occupancy to determine if the facility is in compliance with ~~rules 5122-30-01 to 5122-30-30~~ Chapter 5122-30 of the Administrative Code.
- (3) Every person operating or desiring to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services; and if the facility shall serve those with mental illness or severe mental disabilities ~~and shall send~~ a copy of the application shall also be sent to the board ~~of alcohol, drug addiction, and mental health services~~ whose service district includes the county in which the person operates or desires to operate a residential facility. ~~The board shall review such applications and recommend approval or disapproval to the department.~~
- (B) ~~To determine whether a prospective facility is qualified to be licensed,~~ Every person operating or desiring to operate a residential facility shall conduct background investigations checks in accordance with division (K) of Section 5119.34 of the Revised Code and rule 5122-30-31 of the Administrative Code ~~shall be conducted for all prospective or current operators, employees, and other volunteers who, if employed by a residential facility, may have direct access to facility residents.~~
- (C) The department shall not approve a prospective operator on a conditional basis awaiting the results of the ~~criminal records checks~~ background investigations required by this rule. The required ~~criminal records check~~ background investigations must be completed prior to the issuance of a license.

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~~(D)~~ (D) An operator shall not operate the facility as a boarding or rooming house.

~~(E)~~ (D) Each residential facility shall obtain written approval from the department prior to conducting any business for-profit activity; and/or allowing any business to operate, including baby-sitting services or renting a room or providing services to a non-resident who is unrelated to the operator or staff, in the home.

~~(F)~~ Type 2 and 3 residential facilities shall obtain an adamhs/cmh board approved, signed, and dated affiliation agreement according to division (K) of section 5119.34 of the Revised Code between the operator and a mental health agency that is certified to provide or make provision for crisis intervention service in accordance with Chapters 5122-24 to 5122-29 of the Administrative Code.

~~(G)~~ The affiliation agreement may also be between a residential facility and a mental health board. The provision of crisis intervention services must be available through a mental health agency(s), certified to provide crisis intervention services, and that agency(s) must be a party to the affiliation agreement.

~~(1)~~ In the event that a facility has residents receiving services from more than one mental health agency, or the organization of the board area is such that one agency or the board itself assumes administrative responsibilities with regard to residential facilities, the facility may affiliate with the board or the administrating agency. The affiliation agreement may be modified as necessary to include appropriate provisions and procedures concerning administrative and service delivery matters, but shall include all of the information specified in paragraph (G)(2) of this rule, and shall ensure the provision of crisis intervention service as specified in this section, to mental health residents of the facility by a certified provider of the service.

~~(2)~~ The affiliation agreement shall include, but may not be limited to, specification of:

- ~~(a)~~ The provisions for delivery of crisis intervention and additional mental health services as appropriate and necessary, to mental health residents;
- ~~(b)~~ The provisions and procedures for emergency medical care;
- ~~(c)~~ The provisions and criteria for referrals, admissions to, non-admissions to and discharges from the facility;
- ~~(d)~~ The procedure for major unusual incident reporting;
- ~~(e)~~ The handling of mental health resident funds;
- ~~(f)~~ The procedure for resolving disputes between the affiliating agency and the residential facility;
- ~~(g)~~ The provision for monitoring the terms of the agreement;
- ~~(h)~~ The procedure for termination of affiliation agreement, and written assurance of due process;
- ~~(i)~~ A copy of the residential agreement as specified in rule 5122-30-24 of the Administrative Code;
- ~~(j)~~ Copies of all inspection reports, licenses or certificates as required in this chapter;
- ~~(k)~~ The board's written recommendation to the department for approval or disapproval of the license application, as consistent with the community plan, and/or other information the board may possess about the facility relevant to licensure. A recommendation for disapproval of the license shall be

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~~accompanied by clear and specific documentation of facility deficiencies with regard to the requirements specified in these rules; and~~

~~(I) The staffing pattern of the facility.~~

~~(H) In the event of the denial or revocation of an affiliation agreement the affiliating agency/board shall provide clear and specific documentation of the facility's deficiencies with regard to the requirements of this chapter and submit it to the department within thirty days of the decision.~~

~~(I) Prior to the licensure renewal date, each operator shall obtain an affiliation agreement.~~

~~(J) The affiliation agreement, as authorized by division (K) of section 5119.34 of the Revised Code, shall indicate the written approval by the community mental health board as being consistent with the residential portion of the community plan.~~

~~(K) The affiliation agreement shall be consistent with local, state and federal law and the local systems performance agreement. If any provision of the affiliation agreement is inconsistent, or in violation of any local, state, federal law, or administrative rule, such provision shall be void and unenforceable.~~

~~(L)~~ (E) An application for the renewal of a full license shall contain the materials specified in paragraphs (A)(1) and (B) of this rule.

~~(M)~~ (F) Licensure procedure

- (1) Every person operating or desiring to operate a residential facility shall forward the application of the residential facility and related application materials specified in paragraphs (A)(1) and (B) of this rule to the department. In accordance with section 5119.34 of the Revised Code the department shall review the materials to determine if they are complete, including all of the content requirements. If incomplete, the department shall notify the ~~board and~~ residential facility of necessary corrections or additions, or return the materials to the residential facility. Incomplete materials shall not be considered an application for licensure, and return of the materials or failure to issue a license shall not constitute a denial of an application for licensure.
- (2) For renewal of a license, complete materials for an application must be received by the department ninety days prior to the expiration date of the current license.
- (3) Following receipt by the department of a complete application, the department shall review the application materials for consistency and compliance with the requirements of these rules. The department shall provide the applicant, ~~affiliating agency, and the board~~ with a written statement citing areas of non-compliance, and specifying a time-frame for correction, if the department determines that the areas of non-compliance are amenable or subject to correction. Failure to accomplish corrections within the time frame established may constitute grounds for denial of the application for licensure. If the complete application is in compliance with the requirements of these rules, the department may schedule and conduct an on-site survey of the facility.
- (4) If the department determines that deficiencies observed during the on-site survey, if any, are amenable to correction within a particular time period, the operator shall be provided a copy of the deficiencies and a time frame for correction.

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- (5) The department may require the operator to submit a written plan of correction, describing how deficiencies will be corrected in the time-frame specified by the department. Failure of an operator to comply with the plan of correction may constitute grounds for licensure revocation.
- (6) The department shall obtain assurance that deficiencies have been corrected within the time specified, either by an on-site visit or by the receipt of written documentation, as relevant and appropriate, within the discretion of the department. The facility will be notified in writing of the approval of the plan of correction.
- (7) The department, at its discretion, may consider any other information which it deems appropriate in making licensure determinations.

~~(N)~~ (G) Interim licensure procedure

- (1) The interim license may be issued only in emergency situations, as specified in [division \(G\) of section 5119.34 of the Revised Code](#) and rule 5122-30-05 of the Administrative Code. The perceived need for the interim licensure shall be reported immediately to the department by telephone [or electronic means](#) in accordance with procedures in place for reporting major unusual incidents to the department.
- (2) The department shall be provided such information concerning the nature and extent of the emergency, as is relevant and necessary, to determining the need for the interim license. In the event the department determines that an emergency need exists, the department may authorize, by telephone, the immediate placement of residents in the facility to be licensed. The department may conduct an on-site inspection to determine compliance of the facility with the requirements of this chapter.
- (3) In the event of deficiencies, the department may:
 - (a) Authorize a variance, with regard to necessary square footage requirements, or require the relocation of one or more residents to reduce the degree of non-compliance with square footage requirements;
 - (b) Require the immediate correction of deficiencies which are amenable to such immediate correction; and/or
 - (c) Require the immediate relocation of one or more or all residents, in the event of deficiencies which cannot be immediately corrected and which constitute a threat to the health or safety of one or more residents.
- (4) Nothing stated herein shall be construed to require interim licensing for facilities which are not subject to licensure as residential facilities, as specified in section 5119.34 of the Revised Code.

~~(O)~~ (H) Any facility that is required to have a license in accordance with section 5119.34 of the Revised Code shall apply for and receive the license prior to the admission of ~~mental health~~ residents.