

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**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).

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- (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

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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.