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3793:5-1-01 Prevention standards - certification process.

- (A) The purpose of this rule is to state the procedures that an agency must follow in order to receive alcohol and other drug prevention certification by the Ohio department of alcohol and drug addiction services.
- (B) The provisions of this rule are applicable to all alcohol and other drug (AOD) prevention programs that include a facility or entity where a primary function of the facility/entity is the delivery of alcohol and other drug prevention programming and services. For the purposes of this rule, the words program, facility and/or entity shall be referred to as "agency."
- (C) The provisions of this rule are not intended to regulate agencies and institutions with their own set of regulatory requirements and where the delivery of alcohol and other drug prevention programming and services is not a primary function of the agency. The Ohio department of alcohol and drug addiction services recognizes the extensive research which validates that effective alcohol and other drug prevention requires a multifaceted approach involving multiple sectors of the community. Many sectors of the community play a contributing role to ensure a comprehensive multifaceted and multiple sector approach in the delivery of effective alcohol and other drug prevention programming and services. Therefore, the following entities are not defined as alcohol and other drug prevention programs and the provisions of this rule are not applicable:
- (1) Educational entities under the jurisdiction of the Ohio department of education;
 - (2) Educational entities under the jurisdiction of the Ohio board of regents;
 - (3) Law enforcement and judicial entities;
 - (4) ODADAS certified driver intervention programs;
 - (5) Agencies that are only engaged in information dissemination;
 - (6) Agencies where the delivery of alcohol and other drug prevention programming and services is not a primary function of the agency; and
 - (7) Agencies whose sites are physically located outside of the state of Ohio.
- (D) Prevention standards definitions:
- (1) Alcohol and other drug prevention focuses on preventing the onset of AOD use, abuse and addiction. AOD prevention includes addressing problems associated with AOD use and abuse up to, but not including assessment and treatment for substance abuse and dependence. AOD prevention is a proactive multifaceted, multi-community sector process involving a continuum of culturally appropriate prevention services which empowers individuals, families and communities to meet the challenges of life events and transitions by creating and reinforcing conditions that impact physical, social, emotional, spiritual, and cognitive well-being and promote safe and healthy behaviors and lifestyles. AOD prevention is a planned sequence of activities that, through the practice and application of evidence based prevention principles, policies, practices, strategies and programs, is intended to inform, educate, develop skills, alter risk behaviors, affect environmental factors and/or provide referrals to other services.

The term "Alcohol and Other Drugs" (AOD) includes, but is not limited to the following drugs of abuse - alcohol, tobacco, illicit drugs, inhalants, prescription and over-the-counter medications.

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"Culturally appropriate" means the service delivery systems respond to the needs of the community being served as defined by the community and demonstrated through needs assessment activities, capacity development efforts, policy, strategy and prevention practice implementation, program implementation, evaluation, quality improvement and sustainability activities.

"Evidenced Based Prevention" means the prevention policies, strategies, programs and practices are consistent with prevention principles found through research to be fundamental in the delivery of prevention services; the prevention policies, strategies, programs and practices have been identified through research to be effective; the service delivery system utilizes evaluation of its policies, strategies, programs and practices to determine effectiveness; the service delivery system utilizes evaluation results to make appropriate adjustments to service delivery policies, strategies, programs and practices to improve outcomes.

(a) Prevention service categories by population served:

- (i) Universal prevention services: Services target everyone regardless of level of risk before there is an indication of an AOD problem;
- (ii) Selected prevention services: Services target persons or groups that can be identified as "at risk" for developing an AOD problem;
- (iii) Indicated prevention services: Services target individuals identified as experiencing problem behavior related to alcohol and other drug use to prevent the progression of the problem. These services do not include clinical assessment and/or treatment for substance abuse and dependence.

(b) Prevention service delivery strategies:

- (i) "Information Dissemination" is an AOD prevention strategy that focuses on building awareness and knowledge of the nature and extent of alcohol and other drug use, abuse and addiction and the effects on individuals, families and communities, as well as the dissemination of information about prevention, treatment and recovery support services, programs and resources. This strategy is characterized by one-way communication from source to audience, with limited contact between the two;
- (ii) Alternatives are AOD prevention strategies that focus on providing opportunities for positive behavior support as a means of reducing risk taking behavior, and reinforcing protective factors. Alternative programs include a wide range of social, recreational, cultural and community service/volunteer activities that appeal to youth and adults;
- (iii) Education is an AOD prevention strategy that focuses on the delivery of services to target audiences with the intent of affecting knowledge, attitude and/or behavior. Education involves two-way communication and is distinguished from information dissemination by the fact that interaction between educator/facilitator and participants is the basis of the activities. Activities affect critical life and social skills including decision making, refusal skills, critical analysis and systematic judgment abilities;
- (iv) "Community-Based Process" is an AOD prevention strategy that focuses on enhancing the ability of the community to provide prevention services through organizing, training, planning, interagency collaboration, coalition building and/or networking;

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- (v) "Environmental prevention" is an AOD prevention strategy that represents a broad range of activities geared toward modifying systems in order to mainstream prevention through policy and law. The environmental strategy establishes or changes written and unwritten community standards, codes and attitudes, thereby influencing incidence and prevalence of alcohol and other drug use/abuse in the general population;
 - (vi) "Problem Identification and Referral" is an AOD prevention strategy that refers to intervention oriented prevention services that primarily targets indicated populations to address the earliest indications of an AOD problem. Services by this strategy focus on preventing the progression of the problem. This strategy does not include clinical assessment and/or treatment for substance abuse and dependence.
- (2) "Alcohol and other drug prevention program" means an agency that owns and/or has administrative responsibility for the operation and delivery of alcohol and other drug prevention programming and services as a primary function of the agency.
 - (3) "Consumer" means a person who receives alcohol and/or other drug prevention services.
 - (4) "Executive director" means an individual responsible for the day-to-day operations of an agency.
 - (5) "Governing authority" means an individual, board or other entity that has ultimate responsibility for the management, operation and control of the agency as designated by laws, by articles of incorporation, by another written document which creates or governs the operations of an agency or by ownership of assets or a sole proprietorship.
 - (6) "Natural environment" includes, but is not limited to locations where a consumer lives, works or attends school.
 - (7) "Primary Function" means the agency owns and/or has administrative responsibility for the operations and delivery of alcohol and other drug prevention programming and services and the agency's official documents such as but not limited to by-laws, articles of incorporation, policies or mission/purpose documents include statements that reflect the same.
 - (a) Where the primary function of the agency is in question, the Ohio department of alcohol and drug addiction services certification specialists will determine if an agency meets the definition of program and primary function through the review of the agency's official documents and alcohol and other drug prevention programming and services in consultation with the county alcohol, drug addiction and mental health services or alcohol drug addiction services board executive director and the executive director of the agency being considered for prevention certification.
 - (b) Ohio department of alcohol and drug addiction services certified treatment agencies that also provide alcohol and other drug prevention programming and services must apply for prevention certification.
 - (8) "Site" means the agency's primary place for delivering prevention services or the administrative office if prevention services are provided in the consumer's natural environment.
 - (9) "Volunteer" means an uncompensated individual involved in the on-going provision of prevention services. This definition does not apply to volunteers whose sole purpose is to perform administrative functions or other ancillary activities that may include, but are not limited to, chaperoning a single event, assisting in or serving food at events, performing administrative support duties, etc.

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- (10) "Variance" means written permission granted by the Ohio department of alcohol and drug addiction services to an agency to be exempted from or meet a modified requirement of a rule or specific provision of a rule of the Administrative Code or other certification standard. The department will track all approved variances as a means to identify opportunities for continuous improvement to this chapter.
- (E) Each agency, except government owned agencies, 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 agency is a non-profit organization, the agency shall submit an application for continued existence to the Ohio secretary of state as required by statute. The agency 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 agency is owned by an out-of-state corporation, the agency shall have on file a copy of the license to do business in Ohio which is issued by the Ohio secretary of state.
- (F) Procedure for processing an application for certification: for agencies not currently certified as an AOD prevention provider.
- (1) Any Ohio alcohol and other drug prevention agency subject to or seeking prevention certification 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 site to be certified by the department:
- (a) Name, address, telephone number and county of each site to be certified by the Ohio department of alcohol and drug addiction services. The client's natural environment (e.g. school, home, job and family services agency) is not considered a site and therefore would not be certified.
- (b) Business hours of operation for the agency.
- (c) The alcohol and other drug prevention services the agency 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 prevention services will be provided except for those locations considered as the consumer's natural environment.
- (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 except for those locations considered as the consumer's natural environment.
- (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 owner is a non-profit organization, a copy of the approved statement of continued existence approved by the Ohio secretary of state.

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- (j) Agencies requesting a variance or an extension of a variance for one or more of the certification standards shall include a copy of the request with the certification application. Each variance request shall be prepared and submitted in accordance with this rule.
 - (k) 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 review the materials to determine if they are complete.
- (a) 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.
 - (b) The department's return of the materials to the applicant or failure of the department to take further action to issue a certificate shall not constitute denial of an application for certification.
- (3) Upon acceptance of an application the Ohio department of alcohol and drug addiction services shall contact the agency to schedule an on-site inspection.
- (a) The department shall send the agency 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 agency, or at any other time for cause as determined by the department, with or without official written notice to the agency.
- (5) The Ohio department of alcohol and drug addiction services shall have access to all agency records related to prevention services. The department may conduct interviews with members of the agency's governing authority, prevention staff, others in the community and/or consumers with the consumers' 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 prevention agency.
- (a) The inspection report shall cite any standards with which the agency 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 agency and to the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board.
 - (c) Agencies shall correct deficiencies identified during a certification 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 to each applicant complying with the certification standards.
- (a) Certificates for the provision of prevention services shall not exceed three years.

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

(c) The prevention agency shall display the certificate in a prominent location.

(G) Conditional certification.

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

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

(a) Conditional certifications expire on the last day of a calendar month.

(b) Failure to comply with the terms of the conditional certification may result in a non-certified status.

(H) Relocation of a certified agency shall render the certification void. Void certificates shall be returned to the Ohio department of alcohol and drug addiction services.

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

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

(3) Certificates issued as a result of a relocation of an agency shall have the same expiration date as the certification of the original agency site.

(I) Procedure for renewal of prevention certification for currently certified prevention agencies:

(1) Any Ohio alcohol and other drug prevention agency seeking renewal of prevention certification pursuant to division (A) of section 3793.06 of the Revised Code shall submit a renewal application, upon receipt, to the Ohio department of alcohol and drug addiction services that includes, but is not limited to, verification of the following information for each site to be certified by the department.

(a) Name, address, telephone number, and county of each site to be certified by the Ohio department of alcohol and drug addiction services. A location which would be considered the consumer's natural environment (e.g. school, home, job and family services agency) is not considered a site and need not be certified.

(b) Business hours of operation for alcohol and other drug prevention services.

(c) The alcohol and other drug prevention services provided.

(d) Copy of a current annual fire inspection by an Ohio-certified fire authority or by the division of the

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state fire marshal of the Ohio department of commerce for the location where services will be provided.

- (e) Agencies requesting a variance or an extension of a variance for one or more of the prevention certification standards shall include a copy of the request with the certification application. Each variance request shall be prepared and submitted in accordance with this rule.
 - (f) An assurance statement, signed and dated by the executive director, CEO or president of the organization, which states that the agency shall comply with the prevention certification standards for each certified site for the duration of its three-year certification period.
 - (g) The application shall be signed and dated by the executive director, CEO or president of the organization.
- (2) Upon receipt of a renewal application, the Ohio department of alcohol and drug addiction services shall review the materials to determine if they are complete.
- (a) 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.
 - (b) The department's return of the materials to the applicant or failure of the department to take further action to issue a certificate shall not constitute denial of an application for certification.
- (3) Upon approval of the renewal application, the department shall issue a certificate valid for up to a three-year period beginning from the date of issue.
- (a) The department shall provide the agency with the original certificate and provide a copy of the certificate to the applicable alcohol and drug addiction services board or the alcohol and drug addiction and mental health services board.
 - (b) The prevention agency shall display the certificate in a prominent location.
- (4) The Ohio department of alcohol and drug addiction services shall contact the agency to schedule an on-site inspection within the three-year certification period. Reviews will be scheduled with a minimum ninety-day notice.
- (a) The department shall send the agency 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.
- (5) 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 agency, or at any other time for cause as determined by the department, with or without official written notice to the agency.
- (6) The Ohio department of alcohol and drug addiction services shall have access to all prevention related records to verify compliance with certification standards. The department may conduct interviews with members of the agency's governing authority, prevention staff, others in the community and/or consumers with the consumers' permission.
- (7) The Ohio department of alcohol and drug addiction services shall prepare a follow-up inspection report for the on-site inspection.

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- (a) The inspection report shall cite any prevention standards with which the agency 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 agency and to the applicable alcohol and drug addiction services board or the alcohol, drug addiction and mental health services board.
 - (c) Agencies shall correct deficiencies identified during a 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 in the follow-up inspection report.
- (J) The Ohio department of alcohol and drug addiction services certifies sites. Each prevention certification issued by the department is for a specific address. Certificates are not transferable to any other agency or to other agency sites.
- (K) Variances.
- (1) The Ohio department of alcohol and drug addiction services may grant a variance from any certification standard, or portion thereof, for the period during which the certification is in effect.
 - (2) Requests for variances of certification 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 agency that assures the Ohio department of alcohol and drug addiction services that the quality of services and consumer safety shall not be jeopardized if the variance is granted.
 - (d) The consequences of not receiving approval of the requested variance.
 - (3) The Ohio department of alcohol and drug addiction services shall issue a written statement to the agency granting or denying a request for variance of certification 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.
 - (4) The agency 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 is in effect.
- (L) The Ohio department of alcohol and drug addiction services may deny or revoke certification for one or more of the following reasons:
- (1) The agency fails to comply with any certification standard;
 - (2) The agency misuses or fails to properly account for the disbursement of state or federal funds;
 - (3) The agency 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 agency knowingly permits an employee to falsify any records pertaining to the consumer;

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- (5) The agency is aware of an employee, volunteer or students who has abused or neglected a consumer and has failed to take appropriate disciplinary or legal action to correct the situation;
 - (6) The agency 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.
- (M) The Ohio department of alcohol and drug addiction services shall give the agency written notice by certified mail, return receipt requested, if it intends to deny or revoke certification. The notice shall include:
- (1) The standard(s) with which the agency 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 agency 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 agency'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 agency.
- (N) If an agency 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 agency has requested a hearing unless otherwise agreed upon by both the department and the agency. A copy of the hearing notice shall be mailed to the agency'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 agency 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, the agency 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 agency decides to appeal the Ohio department of alcohol and drug addiction services' decision, the agency shall appeal the order of the department to the court of common pleas of the county in which the agency's place of business is located. The agency'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 agency'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.
- (O) Any person who violates the provisions of these rules shall be subject to the penalties provided in divisions

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(B), (C), and (D) of section 3793.99 of the Revised Code.

(P) Sanction:

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

(Q) Certification shall be considered void and invalid if an agency: fails to reapply, voluntarily relinquishes certification, moves to another location, goes out of business or is sold or otherwise conveyed to another entity.

(R) The agency shall immediately notify the Ohio department of alcohol and drug addiction services and the applicable alcohol and drug addiction services board or alcohol, drug addiction and mental health services board in writing of any changes in its operations that affect the agency's continued compliance with the department's certification requirements.

(S) All agencies shall be in compliance with all applicable federal, state and local laws and regulations.

(T) Agencies providing alcohol and other drug prevention services, as defined in this rule, will have three years from the effective date of this rule to make application and become certified by the Ohio department of alcohol and drug addiction services.