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3793:5-1-02 Prevention standards - governing authority.

- (A) The purpose of this rule is to state the governing authority requirements that an agency must meet 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 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) 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.

"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

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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;
 - (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 services as a primary function of the agency.
 - (3) "Deemed Status" means that on-site review by the Ohio department of alcohol and drug addiction services of certain sections of the administrative code shall be waived for those agencies that own or operate a treatment program currently certified under rule 3793:2-1-08 of the Administrative Code. Designated paragraphs of this rule shall be deemed for an agency not certified by ODADAS which has received national accreditation that included the prevention services, and demonstrates that the deemed paragraphs within this rule are consistent with the national accreditation.

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- (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 by ownership of assets or a sole proprietorship.
- (6) "National Accreditation" means an organization that is recognized nationally as an accreditation body, including but not limited to, commission on accreditation of rehabilitation facilities (CARF), council on accreditation for children and family services (COA), joint commission of accreditation of healthcare organizations (JCAHO).
- (7) "Primary Function" means the agency's owns and/or has administrative responsibility for the operation 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) "Student" means an individual enrolled in an educational institution and supervised by an individual qualified to provide prevention services pursuant to rule 3793:5-1-05 of the Administrative Code.
- (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.
- (D) Deemed status shall be granted to waive provisions of the Administrative Code if the agency that owns or operates a treatment program(s) with current certification from the Ohio department of alcohol and drug addiction services under agency 3793 of the Administrative Code or has achieved national accreditation as defined in this rule. Deemed provisions include: paragraphs (E), (F), (G), (H), (I), (J), (K) and (L) of this rule.
- (E) Each agency, including government-owned agencies, shall have on file a copy of the signed W-9 form, request for taxpayer identification number and certification.
- (F) Each agency shall have a governing authority.
- (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.

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- (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.
 - (5) The governing authority for a sole proprietorship is the sole proprietor.
- (G) Each agency 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 agency.
 - (4) Provisions for orienting new members of the board of directors.
- (H) Each agency (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, as applicable, 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 staff member responsible for the overall day-to-day operation of the alcohol and other drug prevention services, if applicable.
 - (2) Selecting a staff member responsible for the overall day-to-day operation of the alcohol and other drug prevention services, if applicable.
 - (3) Conducting meetings of the governing authority at least quarterly and maintaining minutes of these meetings, if applicable.
 - (4) Approving the prevention services that the agency will provide, if applicable.
 - (5) Approving and revising, as necessary, the agency's policies for operating prevention services, if applicable.
 - (6) Approving an annual budget for prevention services, if applicable.
 - (7) Reviewing the annual audit report of the agency conducted in accordance with this rule, if applicable.
 - (8) Reviewing the agency's annual quality improvement plan, if applicable.
- (I) The agency shall maintain a roster of the members of the board of directors and their professional affiliations, if applicable.
- (J) Each agency shall have a current table of organization that:
- (1) Reflects the relationship of the agency to the governing authority.

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- (2) Reflects each position, including employees, contract staff, students and volunteers who provide prevention services for the agency.
- (3) Includes the date and original signature of the chief executive officer or executive director of the agency.
- (K) The governing authority is responsible for ensuring that the agency 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) Agency policies and procedures as required by this rule.
- (L) 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 and the prevention agency's staff.