

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

## 5122-14-01 Definitions and applicability.

~~(A)~~ ~~(A)~~ ~~The purpose of this rule is to provide definitions for rules 5122-14-01 to 5122-14-14 of the Administrative Code.~~

~~(B)~~ ~~(A)~~ The provisions of ~~this rule~~ Chapter 5122-14 of the Administrative Code are applicable to each inpatient psychiatric service provider licensed pursuant to section 5119.33 of the Revised Code by the department of mental health and addiction services.

~~(C)~~ ~~(B)~~ The following definitions shall apply to Chapter 5122-14 of the Administrative Code:

- (1) "Abuse" means any act or absence of action caused by an employee inconsistent with rights which results or could result in physical injury to a patient; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, when such activity would constitute an offense against a patient under that Chapter; insulting or coarse language or gestures directed toward a patient which subjects the patient to humiliation or degradation; or depriving a patient of real or personal property by fraudulent or illegal means. For children, in addition to the above, the definition of abuse is the same as in section 2151.031 of the Revised Code.
- (2) "Admission" means acceptance by the inpatient psychiatric service provider of a person with the intent of providing at least twenty-four hours continuous care and treatment to that person.
- (3) "Advance directives" means a legal document an adult can use to direct in advance the decisions about ~~his or her~~ their mental ~~and~~ or physical health treatment, if in the future ~~he/she~~ they ~~lacks~~ lack the capacity to make ~~his/her~~ their own health care decisions.
- (4) "Certified nurse practitioner" means a registered nurse who holds a current, valid certificate of authority issued by the Ohio board of nursing that authorizes the practice of nursing as a nurse practitioner in accordance with Chapter 4723. of the Revised Code.
- (5) "Chemical restraint" ~~means a drug or medication that is used as a restriction to manage the patient's behavior or restrict the individual's patient's freedom of movement; and is not a standard treatment or dosage for the patient's condition~~ means any medication that alters the functioning of the central nervous system in a manner that limits physical and cognitive functioning to the degree that the resident cannot attain the resident's highest practicable physical, mental, and psychosocial well-being.
- (6) "Child and adolescent psychiatrist" means a psychiatrist who is certified in child and adolescent psychiatry by the American board of psychiatry and neurology or has successfully completed training in a child and adolescent psychiatry program approved by the residency review committee of the accreditation council for graduate medical education of the American medical association. A child and adolescent psychiatrist is also a psychiatrist as defined in this rule.
- (7) "Clear treatment reasons" means that a patient would present a substantial risk of physical harm to ~~him/herself~~ themselves or others, or that effective treatment of the patient would be substantially precluded.
- (8) "Clinical nurse specialist" means a registered nurse who holds a current, valid certificate of authority issued by the Ohio board of nursing that authorizes the practice of nursing as a clinical nurse specialist

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in accordance with Chapter 4723. of the Revised Code.

(9) "Clinical privileges" means authorization granted to a practitioner to provide specific health care services in the organization within well-defined limits, based on the following factors, as applicable: license, certification, registration, education, training, experience, competence, health status, and judgment.

(10) "CMS" means the centers for medicare and medicaid services, a federal agency within the U.S. department of health and human services.

(11) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(12) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

~~(11)(11) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.09 of the Revised Code.~~

~~(12)(13) "Counselor" means an individual who is licensed as a professional counselor or a professional clinical counselor according to Chapter 4757. of the Revised Code.~~

~~(13)(14) "Cultural sensitivity" means an awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) of a group of people, particularly those of a race or ethnic group different from one's own, or those identified cultures of persons with specific disabilities such as deafness.~~

~~(14)(15) "Culturally relevant" means incorporating awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) and ethnic heritage of individuals or those identified cultures of persons with specific disabilities such as deafness, into training, treatment, and services designed to impact upon, or meet the needs of individuals or groups.~~

~~(15)(16) "Department" means the Ohio department of mental health and addiction services.~~

~~(16)(17) "Det norske veritas (DNV) healthcare, inc." means the organization, a division of det norske veritas, which operates the national integrated accreditation for healthcare organizations program.~~

~~(17)(18) "Developmental disability" means physical, neurological, developmental, or accidental disabilities that seriously impair health, mobility, or functioning. The disability may be congenital or acquired. Included are persons with epilepsy, autism, narcolepsy, tourette's disorder, spina bifida, head injuries, learning disabilities, and others who have chronic or lifelong conditions and impairments and are at considerable risk for mental health problems.~~

~~(18)(19) "Director" means the director of the Ohio department of mental health and addiction services.~~

~~(19)(20) "Dietitian" means an individual who is licensed as a dietitian according to Chapter 4759. of the Revised Code.~~

~~(20)(21) "Emergency" means an impending or crisis situation that creates circumstances demanding~~

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immediate action.

- ~~(21)~~(22) "Expressive therapist" means an individual who provides treatment intervention through the use of such activities as art, music, dance; who is certified or registered by the national expressive therapist association, certification board for music therapists, American arts therapy association, American dance therapy association, or is licensed, certified or registered by another recognized state or national body to practice expressive therapy.
- ~~(22)~~(23) "Family members" means persons related by family to a patient.
- ~~(23)~~(24) "Grievance" means a written record of a patient's, family member's, or significant other's dissatisfaction with mental health services, initiated by the patient, family member, significant other, patient rights advocate, or other interested person or agency.
- ~~(24)~~(25) "Guardian" means any person, association, or corporation appointed by the probate court to have responsibility for the care and management of a minor or a person declared incompetent in accordance with Chapter 2111. of the Revised Code.
- ~~(25)~~(26) "HFAP" means the healthcare facilities accreditation program, a program of the American osteopathic association (AOA).
- ~~(26)~~(27) "Hospital" means the same as inpatient psychiatric service provider.
- ~~(27)~~(28) "Incident" means any event that poses a danger to the health and safety of patients ~~and/or~~ staff, ~~and~~ or visitors of the hospital, and is not consistent with routine care of persons served or routine operation of the hospital.
- ~~(28)~~(29) "Informed consent" means the voluntary, knowing, reasoned choice of a person, or, as appropriate, the person's legal guardian to a proposed treatment ~~and/or~~ procedure.
- ~~(29)~~(30) "Inpatient psychiatric service provider" means a psychiatric hospital, or psychiatric inpatient unit(s) administered by a general hospital, ~~or~~ community mental health ~~agency~~service provider, or other facility, that provides inpatient psychiatric services.
- ~~(30)~~(31) "Involuntary" means against an individual's will ~~and/or~~ without having been provided informed consent.
- ~~(31)~~(32) "Joint commission" (TJC) means the joint commission, formerly known as the joint commission on accreditation of healthcare organizations (JCAHO).
- ~~(32)~~(33) "License" means the department's written approval and authorization for an inpatient psychiatric service provider to receive persons with a mental disorder for care and treatment.
- ~~(33)~~(34) "Licensed practical nurse" means an individual who is licensed as a practical nurse according to Chapter 4723. of the Revised Code.
- ~~(34)~~(35) "Medical record" means the account of a patient's hospitalization, compiled by health care professionals, including but not limited to a patient's history, present illness, findings on examination, details of care, services and treatment, and progress notes.

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- ~~(35)~~(36) "Medication" means therapeutic drugs (or agents or compounds) that require a prescription ~~and/or~~ order by an appropriately licensed independent practitioner.
- ~~(36)~~(37) "Mental retardation" now designated as developmental disability (DD), means having significantly sub-average general intellectual functioning existing concurrently with deficiencies in adaptive behavior. The assessed level of retardation is based on I.Q. scores moderated by adaptive behavior testing or an assessment of the individual's actual functioning in daily life activities.
- ~~(37)~~(38) "Neglect" means a purposeful or negligent disregard of duty imposed on an employee or staff member by statute, rule, or professional standard and owed to a patient by that employee or staff member.
- ~~(38)~~(39) "Nursing staff" means clinical nurse specialists, nurse practitioners, registered nurses, licensed practical nurses, nursing assistants, and other nursing personnel who perform patient care.
- ~~(39)~~(40) "Occupational therapist" means an individual who is licensed as an occupational therapist according to Chapter 4755. of the Revised Code.
- ~~(40)~~(41) "Occupational therapy assistant" means an individual who is licensed as an occupational therapy assistant according to Chapter 4755. of the Revised Code.
- ~~(41)~~(42) "Patient" means a person admitted to a hospital or inpatient unit~~(s)~~ either voluntarily or involuntarily who is under observation or receiving treatment, or is receiving any other mental health services by the inpatient psychiatric service provider.
- ~~(42)~~(43) "Patient rights specialist" means that person(s), designated by each inpatient psychiatric service provider to safeguard patient rights and to assist patients in exercising their rights, including the rights in ~~rules 5122-14-01 to 5122-14-14 of the Administrative Code~~this chapter and in Chapter 5122. of the Revised Code.
- ~~(43)~~(44) "Physician" means a person licensed by the state medical board according to Chapter 4731. of the Revised Code to practice medicine, or a medical officer of the government of the United States while in this state in the performance of his/her official duties.
- ~~(44)~~(45) "Prone Restraint" means all items or measures used to limit or control the movement or normal functioning of any portion or all of an individual's body while the individual is in a face-down positions. Prone restraint may include either physical (also known as manual), or mechanical restraint.
- ~~(45)~~(46) "Psychiatric intensive care" means a program, within a defined secure physical space, normally including patient lounge and sleeping room space, utilized to provide a more intense form of care for those patients requiring closer observation, decreased environmental stimulation, or a more intensive staff to patient ratio.
- ~~(46)~~(47) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry as approved by the residency review committee of the accreditation council for graduate medical education of the American medical association; or the committee on postgraduate education of the American osteopathic board of neurology and psychiatry, or who has been recognized as of July 1, 1989, as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association, on the basis of formal training and five or more years of medical practice limited to

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psychiatry.

~~(47)~~(48) "Psychiatrist with clinical privileges in adolescent psychiatry" means a psychiatrist who is qualified through training and experience specific to the needs of adolescent age patients, and who has specific hospital clinical privileges to provide treatment to adolescent age patients.

~~(48)~~(49) "Psychiatrist with clinical privileges in geriatric psychiatry" means a psychiatrist who is qualified through the American board of psychiatry and neurology or through other documented training or experience specific to the needs of geriatric age patients, and who has specific hospital clinical privileges to provide treatment to geriatric age patients.

~~(49)~~(50) "Psychologist" means an individual who holds a current license under Chapter 4732. of the Revised Code which authorizes the practice of psychology.

~~(50)~~(51) "Psychotropic medication" means that group of medications which has a specific and intended effect on central nervous system functions and which is ordinarily used to alter disorders of thought, perception, mood, or behavior.

~~(51)~~(52) "Recovery" means a personal process of overcoming the negative impact of a psychiatric disability despite its continued presence.

~~(52)~~(53) "Recreational therapist" means an individual who is registered by the Ohio recreational therapy registration board or certified by the national council for therapeutic recreation certification; or is licensed, certified or registered by another recognized state or national body to practice recreational therapy.

~~(53)~~(54) "Registered nurse (R.N.)" means an individual who is licensed as a registered nurse according to Chapter 4723. of the Revised Code.

~~(54)~~(55) "Rehabilitation therapist" means either an occupational therapist, an occupational therapy assistant, a recreational therapist, or an expressive therapist as defined in this rule. Such individuals shall comply with current, applicable scope of practice and supervisory requirements as identified by their appropriate licensing, certifying or registering bodies.

~~(55)~~(56) "Rehabilitation therapy services" means structured activities designed to help a patient develop or maintain functional living skills including physical, social and creative skills through participation in activities of daily living, vocational, recreational, social, expressive, or other activities designed to promote patient recovery, resiliency and independence in both the hospital and community setting.

~~(56)~~(57) "Reportable incident" means an incident that must be submitted to the department, including incidents that must then be forwarded by the department to ~~the disability rights~~ [Ohio legal rights service](#) pursuant to section 5123.604 of the Revised Code. As referenced in division ~~(C)~~(E) of section ~~5119.611~~5119.36 of the Revised Code, "major unusual incident" has the same meaning as "reportable incident".

~~(57)~~(58) "Resiliency" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses - and to go on with life with a sense of mastery, competence and hope.

~~(58)~~(59) "Restraint" means any manual method, physical or mechanical device, material, or equipment that

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immobilizes or reduces the ability of a patient to move his or her arms, legs, body, or head freely.

~~(59)~~(60) "Seclusion" means the involuntary confinement of a patient alone in a room where the patient is physically prevented from leaving.

~~(60)~~(61) "Significant other" means individuals who are significant and important to the well-being of the patient, as identified by the patient.

~~(61)~~(62) "Social worker," means an individual who is licensed as an independent social worker or as a social worker according to Chapter 4757. of the Revised Code.

~~(62)~~(63) "Transitional hold" means a brief physical (also known as manual) restraint of an individual face-down for the purpose of effectively gaining physical control of an individual in order to prevent harm to self and others, or for the purpose of transport, i.e. carrying a individual to another location within the facility.

~~(63)~~(64) "Treatment plan" means a written statement of goals and objectives for a patient with corresponding treatment interventions and services.

~~(64)~~(65) "Variance" means permission granted by the director or designee in writing to an inpatient psychiatric service provider to change the conditions or specific requirements of a rule.

~~(65)~~(66) "Waiver" means permission granted by the director or designee in writing to an inpatient psychiatric service provider to be exempted from the conditions of specific requirements of a rule.