



## RULE MEMORANDUM

Date: November 4, 2015

To: Interested Constituents

From: Howard Henry, Staff Counsel

Subject: Proposed Rule Amendments for:

- 5122-30 Licensing of Residential Facilities
- 5122-33 Adult Care Facilities
- 5122-35 Adult Foster Homes

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) is proposing the following Ohio Administrative Code rule actions. Please review these draft proposed rule actions and provide any comments you may have **by November 25, 2015**. **Comments will automatically be forwarded to the Common Sense Initiative Office.**

Pursuant to the requirements of EO 2011-01K and Senate Bill 2 of the 129th General Assembly, which requires state agencies, including OhioMHAS, to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community (as defined by SB2), and provide opportunity for the affected public to provide input on the rules.

OhioMHAS is proposing to consolidate all rules regarding residential facilities as defined by O.R.C. 5119.34 into one Administrative Code chapter. The proposed rules will be updated and provide a standardized rule base for all facility categories, with exceptions as required by category. The proposed rule actions are listed below, and information on each of the proposed rules can be found on the BIA document at <http://mha.ohio.gov/Default.aspx?tabid=251>.

The rules have been submitted to the CSI office for review; and comments regarding the rules can be submitted through the link on the OhioMHAS website. Comments submitted through the link will be sent to OhioMHAS and the CSI office. Comments may be sent directly to [CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov) or [MH-SOT-rules@mha.ohio.gov](mailto:MH-SOT-rules@mha.ohio.gov).

| Rule Number | Title  | New, Amended, No Change or Rescinded Rule |
|-------------|--|---|
| 5122-30-01  | Purpose of rules.  | • Amended                                 |
| 5122-30-02  | Applicability of rules.  | • Amended (Filed as New)                  |
| 5122-30-03  | Definitions.   | • Amended (Filed as New)                  |
| 5122-30-04  | Licensure application and procedures.  | • Amended                                 |
| 5122-30-05  | Issuance and conditions of <del>full, probationary and interim</del> licenses. | • Amended                                 |



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| 5122-30-06   | Unlicensed facilities.   | • Amended  |
| 5122-30-07   | Waivers and variances.   | • Amended  |
| 5122-30-08   | Exclusions.  | • Rescinded  |
| 5122-30-09   | Maximum resident and household capacity.   | • Amended (Filed as New)                                   |
| 5122-30-10   | Fines.   | • Amended  |
| 5122-30-11   | Inspections.   | • Amended  |
| 5122-30-12   | Safety.  | • Amended (Filed as New)                                   |
| 5122-30-13   | Nutrition <u>and food safety</u> .   | • Amended (Filed as New)                                   |
| 5122-30-14   | Sleeping and living space.   | • Amended (Filed as New)                                   |
| 5122-30-15   | Housekeeping and property maintenance.   | • Amended  |
| 5122-30-16   | Incident notification and risk management.   | • Amended (Filed as New)                                   |
| 5122-30-17   | Seclusion and restraint.   | • Amended  |
| 5122-30-18   | Requirements for persons with disabling conditions.  | • Amended  |
| 5122-30-19   | Facility administration and management.  | • Amended  |
| 5122-30-20   | Qualifications of <u>operator and</u> staff.   | • Amended  |
| 5122-30-21   | Staffing requirements <del>for type 2 facilities</del> .   | • Amended (Filed as New)                                   |
| 5122-30-22   | Resident rights and grievance procedure <u>for class one facilities</u> .                        | • Amended (Filed as New)                                   |
| 5122-30-22.1 | <u>Resident rights and grievance procedure for class two and class three facilities</u> .        | • New  |
| 5122-30-23   | Facility records <del>for type 2 and 3</del> .   | • Amended (Filed as New)                                   |
| 5122-30-24   | <del>Provision of room and board</del> <u>Resident agreement</u> .                               | • Amended (Filed as New)                                   |
| 5122-30-25   | <u>Skilled nursing care and</u> <del>Changes</del> <u>changes</u> in a resident's health status. | • Amended (Filed as New)                                   |
| 5122-30-26   | Provisions of personal care in <del>type 1 and 2</del> <u>class one and two</u> facilities.      | • Amended (Filed as New)                                   |
| 5122-30-27   | <u>Transfer and discharge rights</u> .   | • New  |
| 5122-30-28   | <u>Assistance with self-administration of medication</u> .                                       | • Amended (Filed as New)                                   |
| 5122-30-29   | Provision of mental health services in <del>type 1</del> <u>class one</u> facilities.            | • Amended  |
| 5122-30-30   | Social, recreational and leisure activities.   | • New (existing rule moved to 5122-30-21)                  |
| 5122-30-31   | Background investigations for employment.  | • Amended  |
| 5122-33      | Adult Care Facilities  | • Rescinded – all rules in this chapter will be rescinded. |
| 5122-35      | Adult Foster Homes   | • Rescinded – all rules in this chapter will be rescinded. |
| 5122-31-01   | Mental health board/mental health agency   | • Rescinded  |



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|            |   |   |
|------------|---|---|
|            | procedures for residential state supplement (RSS) placements for persons with mental illness.   |   |
| 5122-31-02 | Mental health board/mental health agency accountability rule related to adult care facility (ACF) placements for persons with mental illness. | <ul style="list-style-type: none"><li>• Rescinded</li></ul> |