

RULE MEMORANDUM

Date: November 14, 2013

To: Interested Constituents

From: Howard Henry, Staff Counsel

Subject: Proposed Rule Amendments for:

- Licensure Rules for Residential Facilities (Type 1, Type 2 and Type 3)
- Licensure Rules Adult Care Facilities
- Certification Rules for Adult Foster Homes

The Ohio Department of Mental and Addiction Services (OhioMHAS) is proposing the following Ohio Administrative Code rule actions. Please review these proposed rule actions and provide any comments you may have **by December 10, 2013**. **Comments will automatically be forwarded to the Common Sense Initiative Office.**

Licensure Rules for Residential Facilities (Type 1, Type 2 and Type 3)

Rule Number	Title	New, Amended, No Change or Rescinded Rule	Summary of Major Proposed Changes/Rule Subject
5122-30-04	Licensure application and procedure	<ul style="list-style-type: none"> • Rescind and replace with new 	<ul style="list-style-type: none"> • Update references to Ohio Department of Mental Health and Addiction Services and reflect re-numbering of Ohio Revised Code citations • Amend requirements to require criminal and other background checks on current and prospective operators, employees and volunteers with direct access to residents.
5122-30-31	Background investigations for employment	<ul style="list-style-type: none"> • New 	<ul style="list-style-type: none"> • State requirements for conducting criminal records checks and other background investigation of current and prospective operators, employees and volunteers with

			<p>direct access to residents.</p> <ul style="list-style-type: none"> • Denote periods of exclusions for persons with certain criminal convictions using a tiered approach • Align with criminal background checks requirements of other state licensing agencies, including aging, jobs and family services and developmental disabilities, as well as other OhioMHAS licensed/certified residential facilities.
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Licensure Rules for Adult Care Facilities

Rule Number	Title	New, Amended, No Change or Rescinded Rule	Summary of Major Proposed Changes/Rule Subject
5122-33-03	License application and renewal procedures	<ul style="list-style-type: none"> • Amend 	<ul style="list-style-type: none"> • Revise (A) to state that an ACF may not accept residents prior to licensure in order not to conflict with Ohio Administrative Chapter 5122-30 • Update (D)(3) to reference new proposed background investigation rule 5122-33-28 • Update references to reflect re-numbering of Ohio Revised and Administrative Code citations
5122-33-04	Application review process	<ul style="list-style-type: none"> • Amend 	<ul style="list-style-type: none"> • Update (A) to reference new proposed background investigation rule 5122-33-28 • Update references to reference department of mental health and addiction services
5122-33-05	Issuance, renewal, and denial of licenses	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Update (H) to reference new proposed

			background investigation rule 5122-33-28 <ul style="list-style-type: none"> • Eliminate (F) to reflect current practice and not to collect inspection fees and in accordance with Ohio revised Code • Update references to reflect re-numbering of Ohio Revised Code citations
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5122-33-12	Facility management responsibilities	<ul style="list-style-type: none"> • Amend 	<ul style="list-style-type: none"> • Update (A)(7) to reference new proposed background investigation rule 5122-33-28
5122-33-28	Background investigations for employment	<ul style="list-style-type: none"> • New 	<ul style="list-style-type: none"> • State requirements for conducting criminal records checks and other background investigation of current and prospective operators, employees and volunteers with direct access to residents. • Denote periods of exclusions for persons with certain criminal convictions using a tiered approach • Align with criminal background checks requirements of other state licensing agencies, including aging, jobs and family services and developmental disabilities, as well as other OhioMHAS licensed/certified residential facilities.

Certification Rules for Adult Foster Homes

Rule Number	Title	New, Amended, No Change or Rescinded Rule	Summary of Major Proposed Changes/Rule Subject
5122-35-03	Operator standards	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Update references for

			criminal background checks
5122-35-04	Caregiver standards	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Update references for criminal background checks
5122-35-11	Background investigations for employment	<ul style="list-style-type: none"> • New 	<ul style="list-style-type: none"> • State requirements for conducting criminal records checks and other background investigation of current and prospective operators, employees and volunteers with direct access to residents. • Denote periods of exclusions for persons with certain criminal convictions using a tiered approach • Align with criminal background checks requirements of other state licensing agencies, including aging, jobs and family services and developmental disabilities, as well as other OhioMHAS licensed/certified residential facilities.