



Numbered Advisory Memorandum

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Originator(s):

Janel M. Pequignot, Chief, Standards Development & Administrative Rules 

- Subject:**
- Allocations
 - Certification
 - Licensure
 - Medicaid
 - Policy and/or Procedure
 - Other Critical Information

Approval(s):

Tracy J. Plouck, Director 

To: Certified Community Mental Health Providers, Licensed Residential Facilities, Mental Health Boards, Shareholder Organizations

Contact(s):

Janel.Pequignot@mh.ohio.gov
614-466-9065

Required Action: No Yes, by this date: July 1, 2011

All ODMH policy memoranda are posted on the ODMH Web site at mentalhealth.ohio.gov/partner-resources

Title: **Amendments to Ohio Department of Mental Health Certification Standards, and Policy Revision to Provide Immediate Regulatory Reduction for Certified Agencies and Licensed Residential Facilities**

The Ohio Department of Mental Health has promulgated several amended, rescinded and new Ohio Administrative Code (OAC) rules for community mental health agencies, which will be effective July 1, 2011. Please see Attachment 1 for a list of the impacted rules. ODMH will conduct a webinar training on June 23, 2011 from 1:00 PM - 3:00 PM. Additional information on how to register for and access the webinar will be e-mailed later this week and available at the Department webpage at www.mentalhealth.ohio.gov. Agencies which have behavioral health accreditation and have been granted deemed status will see little impact from these updates. These agencies should focus on conformance to their accrediting body standards.

The Department will soon propose revisions to OAC rule 5122-25-03, which includes the certification standards exempt from deemed status. While OAC rule 5122-28-04 "Consumer Outcomes" remains on the list of rules exempt from deemed status until OAC 5122-25-03 is updated, there is no change to previously issued ODMH policy memos removing the requirement to utilize the Ohio Mental Health Consumer Outcomes system. Each agency is responsible to develop and/or maintain a consumer outcomes system based on its accrediting body or ODMH standards, as applicable.

In addition, ODMH plans a January 1, 2012 effective date for the following OAC rules which have cleared the jurisdiction of the Joint Committee on Agency Rule Review (JCARR):

Certification Standards for Community Mental Health Agencies

- 5122-26-12 Incident Notification
- 5122-26-16 Special Treatment and Safety Measures
- 5122-26-16.1 Mechanical Restraint and Seclusion

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30 East Broad Street

Columbus, Ohio 43215

mentalhealth.ohio.gov

614 | 466-2297

614 | 752-9696 TTY

614 | 752-9453 Fax

ADM 041

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Certification Standards for Community Mental Health Agencies (continued)

- 5122-26-16.2 Physical Restraint
- 5122-26-16.3 Aversive behavioral Interventions and Plans
- 5122-28-03 Performance Improvement

Licensure Rules for Residential Facilities

- 5122-30-16 Incident Notification

The Department will provide training on these rule amendments (anticipated late summer/early fall), to allow time for agencies to train staff and update internal procedures and systems as needed prior to the effective date. ODMH will send more detailed information when available. The Department chose a January 1, 2012 effective date to provide additional time for agencies to implement the new rules and to align with the six month data reporting standards in the new incident report rules. However, we are mindful that there are categories of major unusual incidents which are reportable under the current incident report rules, but which agencies will not need to report under the new rules. The Department has made a policy decision to provide immediate regulatory reduction by removing the requirement to report the following incident categories, effective July 1, 2011:

Community Mental Health Agencies

- Attempted Suicide
- Self-Inflicted Injury
- Accidental Injury
- Illness/Medical Emergency
- Serious Bodily Injury - Unknown
- Use of Force by Law Enforcement
- Medication Error that does not result in permanent consumer harm, hospitalization or death
- Adverse Drug Reaction that does not result in permanent consumer harm, hospitalization or death

Residential Facilities

- Accidental Injury
- Illness/Medical Emergency
- Serious Bodily Injury - Unknown
- Use of Force by Law Enforcement
- Medication Error that does not result in permanent resident harm, hospitalization or death
- Adverse Drug Reaction that does not result in permanent resident harm, hospitalization or death

Please note that while the Department is not able to update the Web Enhanced Incident Reporting System (WEIRS) to reflect this policy decision, agencies and residential facilities are not expected to report the above noted incident categories. For more information on

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the incident report rules, please contact Rob Nugen, Community Client Safety Manager, Office of Standards Development and Administrative Rules, at 614-466-9074 or Robert.Nugen@mh.ohio.gov.

The Department will continue its efforts to review Ohio Administrative Code rules, and to propose amendments to offer regulatory reduction where prudent. We encourage the partnership and participation of consumers and family members, providers, and other constituents in this endeavor. More information on the rule making process, and the list of current, draft and pending rules is available at:

<http://mentalhealth.ohio.gov/what-we-do/protect-and-monitor/licensure-and-certification/rules/index.shtml>

cc: Commission on Accreditation of Rehabilitation Facilities
Council on Accreditation
The Joint Commission

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**Certification Standards for Community Mental Health Agencies
Ohio Administrative Code Updates
Effective July 1, 2011**

Agency Policies and Procedures

5122-26-03	Governing body	Amendment
5122-26-05	Table of organization	Rescission
5122-26-06	Personnel management	Rescission
5122-26-06	Human resources management	New
5122-26-07	Personnel qualifications	Rescission
5122-26-09	Agency service plan	Rescission
5122-26-09	Agency service plan	New
5122-26-12	Physical plant and safety	Rescission
5122-26-12	Environment of care and safety	New
5122-26-14	Infection control	Rescission
5122-26-15	Medication handling	Amendment

Performance Improvement, Consumer Outcomes and Research Activities

5122-28-04	Consumer outcomes	Rescission
5122-28-04	Consumer outcomes	New
5122-28-05	Research activities	Amendment

ODMH is in the process of uploading these rules to the ODMH rules webpage:

<http://mentalhealth.ohio.gov/what-we-do/protect-and-monitor/licensure-and-certification/rules/rules-in-effect.shtml>

The rules are currently available at the Register of Ohio webpage:

<http://www.registerofohio.state.oh.us/jsps/PublicDisplayRules/processPublicDisplayRules.jsp?agencyNumberString=5122&actiontype=final&doWhat=GETBYFILINGAGENCY&Submit=Search>

Questions

Janel M. Pequignot, Chief, Standards Development and Administrative Rules

Janel.Pequignot@mh.ohio.gov

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