



Promoting Wellness and Recovery

John R. Kasich, Governor
Tracy J. Plouck, Director

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Webinar Housekeeping

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2. Rules that will be covered in future webinars. This includes questions.

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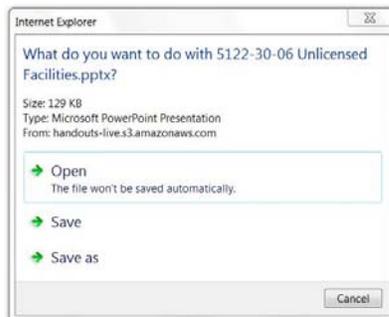
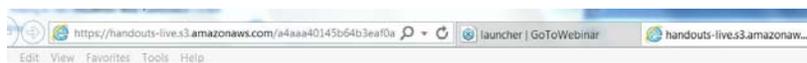
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Webinar Housekeeping

Can multiple staff watch the webinar together under one registration?

- Yes, unless each needs to receive credit for attending training.

Who should participate today:

- Type 1, Type 2, Type 3, ACF, Adult Foster Home providers
 - Currently licensed
 - Interested in obtaining licensure
- Interested stakeholders
 - Community ADAMH/MHRS Boards
 - Other stakeholders

Are These Rules Applicable to Certified SUD Residential Providers:

- NO!

Can I receive CEU Credit for my SW, Nurse, etc. License?

- No.



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5122-30-04
Licensure Application and Procedures

5122-30-04 (A)

(A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds.

(1) The application shall consist of:

(a) Completed application form, which shall indicate at least the class of facility to be licensed, the maximum number of residents, the maximum number of household members, and whether the facility shall serve adults or children and adolescents;

5122-30-04 (A) (continued)

(A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds.

(b) For facilities serving adults, the application form shall also indicate whether or not the facility will serve those with mental illness;

➤ There are additional rule requirements in this and other OAC 5122-30 rules for facilities who will serve those with mental illness. A facility will need to be in compliance with all applicable rules at the time of licensure, including staff training.

5122-30-04 (A) (continued)

(A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds.

(1) The application shall consist of:

(c) Approved building inspection, upon initial application only, and when building modifications require appropriate building inspections per Ohio basic building code;

(d) Approved fire inspection;

➤ These requirements will be discussed in more detail in the 10/17 training.

5122-30-04 (A) (continued)

(A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds. (1) The application shall consist of:

(e) Non-refundable, non-waivable licensure fee of: one hundred fifty dollars for class 1 facilities, and seventy-five dollars for class 2 and 3 facilities;

(f) A line drawing or description of the location and function of all resident and staff areas; and

(g) If a waiver or variance is to be requested, the application shall include written request in the form required by rule [5122-30-07](#) of the Administrative Code.

5122-30-04 (A) (continued)

(A) The purpose of this rule is to state the licensure procedure, including application, renewal, correction of deficiencies or non-compliance and determination of the number of beds.

(2) The proposed facility shall be subject to an on-site inspection by the department prior to occupancy to determine if the facility is in compliance with Chapter 5122-30 of the Administrative Code.

(3) Every person operating or desiring to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services; and if the facility shall serve those with mental illness or severe mental disabilities a copy of the application shall also be sent to the board whose service district includes the county in which the person operates or desires to operate a residential facility.

5122-30-04 (B)(C)

(B) Every person operating or desiring to operate a residential facility shall conduct background investigations checks in accordance with division (K) of section [5119.34](#) of the Revised Code and rule [5122-30-31](#) of the Administrative Code .

➤ [These requirements will be discussed in more detail in the 11/09 training.](#)

(C) The department shall not approve a prospective operator on a conditional basis awaiting the results of the background investigations required by this rule. The required background investigations must be completed prior to the issuance of a license.

5122-30-04 (D)(E)

(D) Each residential facility shall obtain written approval from the department prior to conducting any for-profit activity or allowing any business to operate, including baby-sitting services or renting a room or providing services to a non-resident who is unrelated to the operator or staff, in the home.

(E) An application for the renewal of a full license shall contain the materials specified in paragraphs (A)(1) and (B) of this rule.

More About the Application

- The new application is in development.
- MHAS will be asking for additional information as part of the application process.
- Goal is to have a better understanding of the facility, residents and services, and to be efficient during the on-site.

5122-30-04 (F)

(F) Licensure procedure

(1) Every person operating or desiring to operate a residential facility shall forward the application of the residential facility and related application materials specified in paragraphs (A)(1) and (B) of this rule to the department. In accordance with section [5119.34](#) of the Revised Code the department shall review the materials to determine if they are complete, including all of the content requirements. If incomplete, the department shall notify the residential facility of necessary corrections or additions, or return the materials to the residential facility. Incomplete materials shall not be considered an application for licensure, and return of the materials or failure to issue a license shall not constitute a denial of an application for licensure.

5122-30-04 (F) (continued)

(F) Licensure procedure

(2) For renewal of a license, complete materials for an application must be received by the department ninety days prior to the expiration date of the current license.

5122-30-04 (F) (continued)

(F) Licensure procedure

(3) Following receipt by the department of a complete application, the department shall review the application materials for consistency and compliance with the requirements of rules in this chapter. The department shall provide the applicant with a written statement citing areas of non-compliance, and specifying a time-frame for correction, if the department determines that the areas of non-compliance are amenable or subject to correction. Failure to accomplish corrections within the time frame established may constitute grounds for denial of the application for licensure. If the complete application is in compliance with the requirements of these rules, the department may schedule and conduct an on-site survey of the facility.

5122-30-04 (F) (continued)

(F) Licensure procedure

(4) If the department determines that deficiencies observed during the on-site survey, if any, are amenable to correction within a particular time period, the operator shall be provided a copy of the deficiencies and a time frame for correction.

(5) The department may require the operator to submit a written plan of correction, describing how deficiencies will be corrected in the time-frame specified by the department. Failure of an operator to comply with the plan of correction may constitute grounds for licensure revocation.

5122-30-04 (G)

(G) Interim licensure procedure

(1) The interim license may be issued only in emergency situations, as specified in division (G) of section [5119.34](#) of the Revised Code and rule [5122-30-05](#) of the Administrative Code. The perceived need for the interim licensure shall be reported immediately to the department by telephone or electronic means in accordance with procedures in place for reporting major unusual incidents to the department.

5122-30-04 (G) (continued)

(G) Interim licensure procedure

(2) The department shall be provided such information concerning the nature and extent of the emergency, as is relevant and necessary, to determining the need for the interim license. In the event the department determines that an emergency need exists, the department may authorize, by telephone, the immediate placement of residents in the facility to be licensed. The department may conduct an on-site inspection to determine compliance of the facility with the requirements of this chapter.

5122-30-04 (G) (continued)

(G) Interim licensure procedure

- (3) In the event of deficiencies, the department may:
- (a) Authorize a variance, with regard to necessary square footage requirements, or require the relocation of one or more residents to reduce the degree of non-compliance with square footage requirements;
 - (b) Require the immediate correction of deficiencies which are amenable to such immediate correction; and/or
 - (c) Require the immediate relocation of one or more or all residents, in the event of deficiencies which cannot be immediately corrected and which constitute a threat to the health or safety of one or more residents.

5122-30-04 (G) (continued)

(G) Interim licensure procedure

- (4) Nothing stated herein shall be construed to require interim licensing for facilities which are not subject to licensure as residential facilities, as specified in section [5119.34](#) of the Revised Code.

5122-30-04 (H)

(H) Any facility that is required to have a license in accordance with section [5119.34](#) of the Revised Code shall apply for and receive the license prior to the admission of residents.



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5122-30-05 Issuance and Conditions of Licenses

5122-30-05 (A)

(A) Issuance and conditions of licenses

(1) The department may issue a full license for the facility only if it has been determined to the department's satisfaction that there is compliance with licensure requirements. The license shall specify facility class as defined in division (B) of section [5119.34](#) of the Revised Code; and the license shall specify the maximum number of residents for the facility and the maximum number of household members if applicable, in accordance with rule [5122-30-09](#) of the Administrative Code.

5122-30-05 (A) (continued)

(A) Issuance and conditions of licenses

(2) A full license shall be valid for three years from the date of issuance in the case of class one facilities and for two years from the date of issuance in the case of class two or three facilities. The renewal date shall be based on the expiration date of a full license. A full license may be changed to a probationary license at any time, if the department determines that the circumstances applicable to the issuance of a probationary license, as specified in this chapter, exist.

(3) A license is not transferable to any other site or property.

(4) A license is valid only for the applicant named in the application, and is not transferable to or assumable by any other person or entity.

5122-30-05 (A) (continued)

(A) Issuance and conditions of licenses

(5) The license must be posted in an area visible to residents and visitors at the facility at all times and made available for inspection to any person who requests it.

(6) The license shall not be altered, modified or defaced in any way.

(7) The department may conduct surveys or inspections of licensed facilities, as it deems necessary and appropriate, to determine initial or continued compliance with requirements or to determine whether deficiencies have been corrected, or upon complaint or allegation of licensure violations by any provider or individual. Inspections or surveys may be unscheduled and unannounced, and may include all areas of the facility regardless of resident access.

5122-30-05 (A) (continued)

(A) Issuance and conditions of licenses

(8) The department shall have access to all records, accounts, and other documents relating to the operation of the facility, as well as access to all areas in the facility and to the operator, staff, and all residents, as the department deems necessary and appropriate.

(9) The operator of the residential facility shall be responsible for notifying the department of any changes or proposed changes concerning the information submitted and attested to in the application, or in the operation of the facility which alter or modify the type of activity for which the facility is licensed, and/or the continued compliance of the facility with the requirements for licensure.

5122-30-05 (B)

(B) Issuance and conditions of probationary licenses

(1) A full license may be changed to a probationary license to allow the department to conduct a review or investigation, and for the facility to correct any identified deficiencies.

(2) A probationary license may be issued for any of the reasons set forth in paragraph (D)(1) of this rule.

(3) A facility that has been issued a probationary license may not admit any residents during the term of the probationary license.

5122-30-05 (B) (continued)

(B) Issuance and conditions of probationary licenses

(4) Upon correction of identified deficiencies or the completion of the departments review or investigation without findings of deficiencies, the probationary license shall be rescinded and the full license reinstated and notice shall be made to the operator in writing.

(5) The issuance of a probationary license shall be subject to proceedings governed by Chapter 119. of the Revised Code.

5122-30-05 (C)

(C) Issuance and conditions of interim licenses

(1) The department may issue an interim license if the department determines that the closing of or the need to remove residents from another residence has created an emergency situation.

(2) As specified in rule [5122-30-04](#) of the Administrative Code, the department may authorize placement of residents in the facility prior to the on-site inspection, and prior to the approval and issuance of a license. If approved, the department shall promptly issue the interim license to the facility.

5122-30-05 (C) (continued)

(C) Issuance and conditions of interim licenses

(3) A facility which has received an interim license shall immediately apply for a fire inspection by a certified fire authority. Upon receipt of the inspection, the facility shall immediately take necessary action to correct any noted deficiencies.

(4) Application for renewal of an interim license must be submitted to the department prior to expiration of the current interim license.

5122-30-05 (D)

(D) Denial and revocation of licenses

(1) The department may revoke or deny the issuance or renewal of a full, probationary, or interim license, as applicable, if the facility:

- (a) Is not in compliance with the requirements for licensure as set forth by the rules in this chapter;
- (b) Has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;
- (c) The applicant, operator, manager, or owner presents or submits false or misleading information as part of a license application, renewal, or investigation; or,

5122-30-05 (D)(continued)

(D) Denial and revocation of licenses

(1) The department may revoke or deny the issuance or renewal of a full, probationary, or interim license, as applicable, if the facility:

- (d) The applicant, operator, manager, or owner is or has been the owner or manager of a facility that has had a previous license to operate revoked or denied renewal for any reason other than nonpayment of the license fee unless:
 - (i) A minimum period of twenty-four months has passed from the date of the director's order revoking or denying renewal of the facility's previous license; and
 - (ii) The licensure revocation or non-renewal was not due to any act or omission that violated the resident's right to be free from abuse, neglect, or exploitation.

5122-30-05 (D)(continued)

(D) Denial and revocation of licenses

(2) The denial of an application for an initial or renewal license, the revocation of a full or probationary license shall be subject to proceedings governed by Chapter 119. of the Revised Code . The denial or revocation of an interim license shall not be subject to proceedings governed by Chapter 119. of the Revised Code and is solely at the discretion of the department.

(3) The submission of incomplete materials for the application shall be considered a failure to submit an application for licensure, and the non-issuance of an initial license or a renewal license due to an incomplete application shall not be considered the denial or revocation of a license.

5122-30-05 (D)(continued)

(D) Denial and revocation of licenses

(4) All residents of the facility, guardians and custodians if applicable, and the ombudsman shall be immediately notified by the operator of the unlicensed status, probationary license status, or movement of current residents of a licensed facility to a facility issued an interim license. For residents receiving mental health services or substance abuse treatment services the operator shall also notify the mental health or addiction services provider and the local board. The treatment provider, local ombudsman or other entities may assist with finding a licensed residential facility or other appropriate placement for each resident.

5122-30-05 (D)(continued)

(D) Denial and revocation of licenses

(5) Any facility which is in the process of the denial or revocation of a license remains subject to all of the requirements and conditions of licensure, except that the facility may not admit any residents during the Chapter 119. proceeding.

(6) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

5122-30-05 (D)(continued)

(D) Denial and revocation of licenses

(7) Nothing herein shall be construed to limit, modify, or abridge the department's right to petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the residents of the facility, in accordance with division (N) of section [5119.34](#) of the Revised Code.

(8) Nothing in this rule shall be construed to limit, modify, or abridge the department's right to petition the court of common pleas or the probate court for the appointment of a receiver to take possession of and operate a residential facility in accordance with the provisions of section [5119.342](#) of the Revised Code.

5122-30-05 (E)**(E) Termination of licenses**

(1) A license shall be considered terminated and invalid in the following circumstances:

(a) The operator of the facility has voluntarily discontinued involvement as the operator;

(b) The licensed facility is no longer used as a residential facility subject to licensure, as in situations resulting from change of use, relocation, destruction or loss of the facility, etc.; and

(c) An application for renewal has not been received by the department prior to the expiration of the license.

5122-30-05 (E) (continued)**(E) Termination of licenses**

(2) The termination of a license, as specified in paragraph (E)(1) of this rule, shall not be considered a denial or revocation of a license and shall not be subject to proceedings governed by Chapter 119. of the Revised Code. If the department determines that circumstances exist as specified in paragraph (E)(1) of this rule, it shall issue a letter to the operator and board specifying the date of termination of the license.

5122-30-05 (F)(G)

(F) Licenses shall be returned to the department upon denial, termination, revocation, or voluntarily discontinuing operation of the facility.

(G) In addition to the facilities excluded from licensure by division (B)(4) of section [5119.34](#) of the Revised Code, the following facilities are not required to be licensed by the department and are not residential facilities subject to licensure by the department:

- (1) The residence of a relative, or guardian of a person with mental illness; or,
- (2) A hospital subject to licensure under section [5119.20](#) of the Revised Code.



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5122-30-06 Unlicensed Facilities

5122-30-06 (A)

(A) Any facility that is subject to licensure as a residential facility, as specified in section 5119.34 of the Revised Code, is required to apply for and receive a valid license in accordance with the requirements of this chapter.

5122-30-06 (B)

(B) In accordance with division (K) of section [5119.34](#) of the Revised Code, the department may investigate any facility that has been reported to the department or that the department has reason to believe is operating as a residential facility without a valid license. In conducting such an investigation, the department shall have full access to all areas of the facility, as well as to all persons, records, documents, as is necessary and appropriate, to determine if the facility is a residential facility subject to licensure.

ORC 5119.34

(K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

5122-30-06 (C)

(C) The director may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a real and present danger to the health or safety of any of the residents of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a real and present danger to the health and safety of any residents of the facility.



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5122-30-07

Waivers and Variances

5122-30-07 (A)(B)(C)

(A) A facility may submit a dated, written request to the department for a waiver or variance. The written request must clearly state the rationale and need for the requested waiver or variance, and the consequence of not receiving approval of the request.

(B) Upon receipt of a written request for a waiver or variance that provides a clear and valid statement of need, the department in its discretion may grant a waiver or variance for a period of time determined by the department but that shall not exceed the expiration date of the current license.

(C) The department shall acknowledge and respond to the waiver or variance request within thirty days of receipt by the department.



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5122-30-09 Maximum Resident and Household Capacity

5122-30-09 (A)(B)

(A) The department shall determine the maximum number of residents and the maximum number of household members for which each facility shall be licensed and shall state the maximum number on the license issued to the facility. The maximum number of residents shall not exceed the number of residents as specified on the license.

(B) The maximum number of residents and household members for which a facility is licensed shall be based on the requirements set forth in rule [5122-30-14](#) of the Administrative Code.

5122-30-09 (C)(D)

(C) Class 2 and 3 facilities shall notify the department's bureau of licensure and certification, in writing, prior to allowing any additional person(s) to reside in the facility for more than forty-eight hours if the facility will exceed the maximum number of household members identified on the license. Additional persons may reside in the facility for no longer than fourteen days in a year.

5122-30-09 (C)(D)

(D) No residential facility serving children/adolescents residents shall accept adult residents, nor shall any residential facility serving adult residents accept children/adolescents residents.

- In accordance with the definition of “child/adolescent”, an individual with a severe mental disability who is 18 – 20 years of age may reside in a residential facility serving children/adolescents.



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5122-30-10 Fines

5122-30-10 (A)(B)

(A) No person shall do any of the following:

- (1) Operate a residential facility unless the facility holds a valid license;
- (2) Violate any of the conditions of licensure after having been granted a license;
- (3) Interfere with a state or local official's inspection or investigation of a residential facility; or
- (4) Violate any of the rules for licensure.

(B) Whoever violates the provisions of paragraph (A) of this rule is liable for a civil penalty of five hundred dollars for the first offense and one thousand dollars for each subsequent offense.

5122-30-10 (C)

(C) If the violator does not pay fines levied in accordance with division (I) of section [5119.34](#) of the Revised Code, the attorney general, upon the request of the director, shall bring a civil action to collect the penalty. Fines collected pursuant to this rule shall be deposited in the state treasury to the credit of the department's sale of goods and services fund.

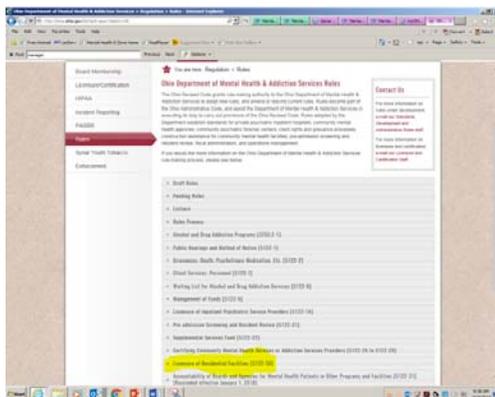
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<http://mha.ohio.gov/Default.aspx?tabid=128#32641497-licensure-of-residential-facilities-5122-30>

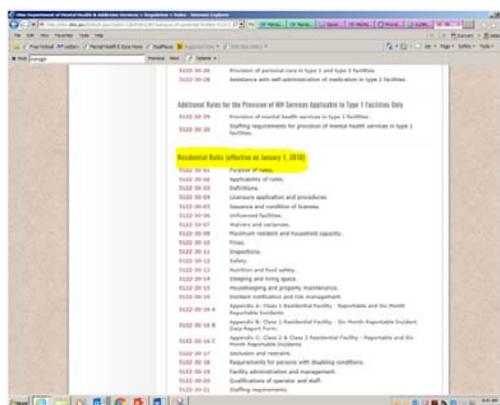
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Where Can I Find All of the New Rules?



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Next Two Webinars*

* 10/19 has separate sessions for Class One, and Class Two & Three

Session #	Date (2017)	Time	Rule Numbers 5122-30	Rule Titles	Who Should Attend	Registration Link
3	10/17	1:00 pm – 3:00 pm	30-11 30-12 30-13 30-14 30-15	Inspections Safety Nutrition and Food Safety Sleeping and Living Space Housekeeping and Property Maintenance	All	https://attendeegotowebinar.com/register/6080197432210375169
4 A	10/19	9:30 am – 11:30 am	30-16 30-17	Incident Notification and Risk Management Seclusion and Restraint	Class One	https://attendeegotowebinar.com/register/7296909302926133505
4 B	10/19	1:00 pm – 3:00 pm	30-16 30-17	Incident Notification and Risk Management Seclusion and Restraint	Class Two & Class Three	https://attendeegotowebinar.com/register/2726045952214763265

Questions?

Note: For future questions, each facility has an assigned lead surveyor, who can also answer questions.