2018 Residential Rule Changes Overview
Janel M. Pequignot, Chief
Licensure and Certification, OhioMHAS

Janel.Pequignot@mha.ohio.gov

Webinar Housekeeping

How To Participate in Today’s Webinar
1. Use your computer speakers or telephone for audio
2. Download and/or print the handout from your control panel
3. Use your control panel to submit questions in writing

What will NOT be covered Today
1. Specific rules, unless part of today’s presentation
2. There will be a future webinar covering each rule

Future Webinar Presentations
1. Will not identify how a particular rule is different from current ACF, Type 1, Type 2, Type 3, AFoH rules
**Current State**

**5122-30 Residential Facilities**

- **Type 1**
  - Room and Board, Personal Care Services and Certified Mental Health Services
  - 1 or more persons, mental illness*

- **Type 2**
  - Room and Board, and Personal Care Services
  - 1 – 2 persons, mental illness

- **Type 3**
  - Room and Board
  - 5 or more adults, mental illness

* May admit a person not in need of mental health services

---

**Current State**

**5122-33 Adult Care Facilities**

- **Adult Family Home**
  - Accommodations and Supervision
  - 3 – 5 adults
  - At least 3 adults require personal care services

- **Adult Group Home**
  - Accommodations and Supervision
  - 6 – 16 adults
  - At least 3 adults require personal care services
Current State

5122-35 Adult Foster Homes
- Accommodations, Personal Care Services, and Supervision
- 1 – 2 Adults
- Receiving RSS (Residential State Supplement)

A Little History

MHAS (formerly ODMH) has licensed what are now called Type 1, Type 2 and Type 3 residential facilities since the 1970’s.
- Type 1, Type 2 and Type 3 has been the ORC designation since 1999/2000.

Adult Care Facilities were licensed by the Ohio Department of Health until July 1, 2011.
- Licensing transferred to MHAS

Adult Foster Homes were certified by the Ohio Department of Aging until July 1, 2011.
- Licensing transferred to MHAS
January 1, 2018

Class 1 Residential Facility (Formerly Type 1)
- Accommodations, Supervision, Personal Care Services, and Certified Mental Health services, 1 or more persons, mental illness*

Class 2 Residential Facility (Formerly Type 2, ACF, AFoH)
- Accommodations, Supervision, Personal Care Services, 1 – 2 persons, mental illness
- Accommodations, Supervision, Personal Care Services, 3 – 16 adults
- Accommodations, Supervision, Personal Care Services, 1 – 2 persons, receiving RSS

Class 3 Residential Facility (Formerly Type 3)
- Room and Board, 5 or more adults, mental illness

What is the Difference Between...

Class One and Class Two
- "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

Class Three
- "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.
Supervision

"Supervision" means any of the following:
(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;
(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;
(c) Assisting a resident in making or keeping an appointment.

One Set of Licensure Regulations

- Increased efficiency
  - Residential providers & MHAS
    - Example: Currently the date by which a facility must submit a renewal license application is different for the various license types
    - Example: Each facility type is subject to the same incident reporting requirements
- Individual specific differences between classes are contained within the regulations
License Types

Full (Regular or typical license)
- 2 or 3 years (more on that next slide!)

Interim
- 90 days (renewable)
- Emergency:
  1. Closing of or the need to remove residents from another residential facility AND
  2. Insufficient number of licensed beds available

Probationary
- Length determined by MHAS

License Length (Full)

Class One (Currently a two year license)
- Three Years

Class Two and Class Three
- Two Years
I Operate a Licensed Facility. Can I Transfer Ownership?

- No
- “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.”

- Person desiring to obtain license to operate a currently licensed RF must apply and undergo same process

Household Members and Residents

- License specifies both household members and number of residents

- Household members included in certain physical plant requirements
  - Common space (60 square feet per HM)
  - Toilet/lavatory (1 per 6 HM)
  - Bath/shower (1 per 8 HM)
Besides New Rules, What Else Will Be Different?

Applications
➢ Goal: Post updated applications by November 15

Sample Forms
➢ Application and Survey Process
Ask for additional information during application to make on-site survey process more efficient

➢ After January 1, 2018 MHAS will NOT accept outdated applications.

What Should I Do to Prepare?

Read all of the rules prior to the webinar.
All MHAS rules are available at:

Link to current Type 1, Type 2, and Type 3 residential and all January 1, 2018 residential rules:
What Should I Do to Prepare?

Read all of the rules prior to the webinar.

What Should I Do to Prepare?

Read all of the rules prior to the webinar.
What Should I Do to Prepare?

Read all of the rules prior to the webinar.

Webinar Information

- You must register individually for each webinar in which you intend to participate
- MHAS Training Page Includes Webinar Information and recorded webinars
- Live webinars are recorded for those who are unable to participate, and to utilize as a training and reference resource
- Should webinar recording error occur, MHAS will record a webinar on same topic and post
- Posted along with webinar handouts
Webinar Information

- Current Webinar Schedule (and link to registration) is available at:

To Participate in Future Rule-Making Activity

- Sign up for the Administrative Rule Activity Listserv:

Licensure & Certification Staff

**Central Office (Columbus)**
- Denise Cole, Private Psychiatric Hospitals Administrator & Surveyor Supervisor
- Calvin Daniels, Surveyor
- Barb Dietz, Surveyor
- Rosland Hawkins, Program Administrator
- Jill Hay, PT Surveyor (Incident Reports)
- Teri Hill, Surveyor
- Greg Lewis, Program Administrator, Supervisor
- Robert Nugen, Surveyor Supervisor
- Janel M. Pequignot, Chief
- Kisha Stewart, Mental Health Administrator
- Holly L. Stone-Zabawski, Surveyor
- Kelly Taynor-Arledge, Surveyor
- Tina Weller, Surveyor
Licensure & Certification Staff

Cincinnati
- LaTaunia Pitts-Wilson, Surveyor
- Joy Sherer, Surveyor

Cleveland
- Cheryl Casto, Surveyor
- Maggie Cooper, Surveyor
- Donna Sabo, Surveyor
- Vacant, Surveyor

Massillon
- Jim Budimlic, Surveyor
- Laura Schering, Surveyor
- Susan Sekely, Surveyor Supervisor

Toledo
- Chris Dunlevy, Surveyor

Next Two Webinars

<table>
<thead>
<tr>
<th>Session #</th>
<th>Date (2017)</th>
<th>Time</th>
<th>Rule Numbers</th>
<th>Rule Titles</th>
<th>Who Should Attend</th>
<th>Registration Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10/11</td>
<td>10:00 am - 11:00 am</td>
<td>30-01, 30-02, 30-03</td>
<td>Purpose of Rules, Applicability of Rules, Definitions</td>
<td>All</td>
<td><a href="https://attendee.gotowebinar.com/register/8089209853491549638">https://attendee.gotowebinar.com/register/8089209853491549638</a></td>
</tr>
<tr>
<td>2</td>
<td>10/13</td>
<td>10:00 am - 11:30 am</td>
<td>30-04, 30-05, 30-06, 30-07, 30-09, 30-10</td>
<td>Licensure Application and Procedures, Issuance and Conditions of Licenses, Unlicensed Facilities, Waivers and Variances, Maximum Resident and Household Capacity, Fines</td>
<td>All</td>
<td><a href="https://attendee.gotowebinar.com/register/7524705022456216834">https://attendee.gotowebinar.com/register/7524705022456216834</a></td>
</tr>
</tbody>
</table>
Note: For future questions, each facility has an assigned lead surveyor, who can also answer questions.