



MHAS OAC Rule Provisions Update – June 18, 2021

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) has four Ohio Administrative Code (OAC) rule provisions that will be impacted when Governor DeWine rescinds Executive Order 2020-01D and ends the declared the COVID-19 state of emergency on June 18, 2021.

OAC 5122-30-27 Transfer and discharge rights: During the emergency, licensed residential facilities could not conduct an emergency discharge of a resident except for non-payment of rent.

Effective June 18, 2021: Residential facilities will be able to discharge residents for the reasons listed in OAC 5122-30-27.

OAC 5122-21-03 (E)(4) Pre-admission screening and resident review (PASRR) for nursing facility applicants and residents with serious mental illness: During the COVID-19 state of emergency, Level II evaluations were permitted to be done as desk reviews instead of face-to-face.

Effective June 18, 2021: Level II reviews should be done face to face using appropriate protocols if necessary.

OAC 5122-29-29 (D) Assertive Community Treatment (ACT): Minimum fidelity scores were permitted to be lowered by OhioMHAS during the COVID-19 state of emergency.

Effective June 18, 2021: If it is necessary to reduce fidelity scores, a waiver or variance may be granted. (Note: The necessity to lower scores was not utilized during the COVID state of emergency.)

OAC 5122-40-07 Program policies and patient records: During the declared state of emergency licensed Opioid Treatment Programs (OTP) could delay tests for hepatitis type B and C, HIV, syphilis, or tuberculosis if personal protective equipment was not available. OTPs could also substitute the use of cheek swabs for toxicology testing for safety concerns.

Effective June 18, 2021, OTPs should return to normal operations concerning testing practices as identified in the rule.

The OhioMHAS Office of Licensure and Certification can address any questions regarding the changes in rule operation. Please contact them at 614.644.8317 or liccert@mha.ohio.gov.