

5122-14-01

Definitions.

- (A) The purpose of this rule is to provide definitions for rules 5122-14-01 to 5122-14-13 of the Administrative Code.
- (B) The provisions of this rule are applicable to each inpatient psychiatric service provider licensed by the department of mental health.
- (C) The following definitions shall apply:
- (1) "Abuse" means any act or absence of action caused by an employee inconsistent with ~~human~~ rights which results or could result in physical injury to a patient ~~unless the act is done in self-defense or occurs by accident~~; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, when such activity would constitute an offense against a patient under that Chapter ~~2907~~; insulting or coarse language or gestures directed toward a patient which subjects the patient to humiliation or degradation; or depriving a patient of real or personal property by fraudulent or illegal means. For children, in addition to the above, the definition of abuse is the same as in section 2151.031 of the Revised Code.
 - (2) "Admission" means acceptance by the inpatient psychiatric service provider of a person with the intent of at least twenty-four hours continuous care and treatment.
 - (3) "AOA" means the American osteopathic association.
 - (4) "Case managers" means those persons employed by a community mental health agency who provide community psychiatric supportive treatment (CPST)~~support program CSP~~ services as defined by the department, in the Administrative Code.
 - (5) "Chemical restraint" means a drug or medication that: a) is used as a restraint to control behavior or restrict the individual's freedom of movement; and, b) is not a standard treatment for the individual's medical or psychiatric condition.
 - ~~(5)~~(6) "Child and adolescent psychiatrist" means a psychiatrist who is certified in child and adolescent psychiatry by the American board of psychiatry and neurology or has successfully completed training in a child and adolescent psychiatry program approved by the residency review committee of the accreditation council for graduate medical education of the American medical association. A child and adolescent psychiatrist is also a psychiatrist as defined in this rule.

- ~~(6)~~(7) "Clear treatment reasons" means that a patient would present a substantial risk of physical harm to him/herself or others, or that effective treatment of the patient would be substantially precluded.
- ~~(7)~~(8) "Clinical nurse specialist" means a registered nurse who has received a certificate of authority from the Ohio board of nursing pursuant to Chapter 4723. of the Revised Code. ~~To~~ to practice as a clinical nurse specialist.
- ~~(8)~~(9) "Clinical privileges" means authorization granted to a practitioner to provide specific health care services in the organization within well-defined limits, based on the following factors, as applicable: license, certification, registration, education, training, experience, competence, health status, and judgment.
- (10) "CMS" means the Centers for Medicare and Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.
- ~~(9)~~(11) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.09 of the Revised Code.
- ~~(10)~~(12) "Counselor" means an individual who is licensed as a professional counselor or a professional clinical counselor according to Chapter 4757. of the Revised Code.
- ~~(11)~~(13) "Cultural sensitivity" means an awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) of a group of people, particularly those of a race or ethnic group different from one's own, or those identified cultures of persons with specific disabilities such as deafness.
- ~~(12)~~(14) "Culturally relevant" means incorporating awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) and ethnic heritage of individuals or those identified cultures of persons with specific disabilities such as deafness, into training, treatment, and services designed to impact upon, or meet the needs of individuals or groups.
- ~~(13)~~(15) "Department" means the Ohio department of mental health.
- ~~(14)~~(16) "Developmental disability" means physical, neurological, developmental,

or accidental disabilities that seriously impair health, mobility, or functioning. The disability may be congenital or acquired. Included are persons with epilepsy, autism, narcolepsy, tourette syndrome, spina bifida, head injuries, learning disabilities, and others who have chronic or lifelong conditions and impairments and are at considerable risk for mental health problems.

- ~~(15)~~(17) "Director" means the director of the Ohio department of mental health.
- ~~(16)~~(18) "Dietitian" means an individual who is licensed as a dietitian according to Chapter 4759. of the Revised Code.
- (19) "Emergency" means an impending or crisis situation that creates circumstances demanding immediate action for prevention of injury to the patient or others. An emergency may be determined by either a licensed physician or registered nurse.
- ~~(17)~~(20) "Expressive therapist" means an individual who provides treatment intervention through the use of such activities as art, music, dance; who is certified or registered by the national expressive therapist association, national association of music therapists, American association of music therapy, American arts therapy association, American dance therapy association, or is licensed, certified or registered by another recognized state or national body to practice expressive therapy.
- ~~(18)~~(21) "Family members" means persons related by family to a patient.
- ~~(19)~~(22) "Grievance" means a written record of a patient's, family member's, or significant other's dissatisfaction with mental health services, initiated by the patient, family member, significant other, patient rights advocate or other interested person or agency.
- ~~(20)~~(23) "Guardian" means any person, association, or corporation appointed by the probate court to have responsibility for the care and management of the person of an incompetent or minor in accordance with Chapter 2111. of the Revised Code.
- ~~(21)~~(24) "Hospital" means the same as inpatient psychiatric service provider.
- (25) "Incident" means any event that poses a danger to the health and safety of patients and/or staff and visitors of the hospital, and is not consistent with routine care of persons served or routine operation of the hospital.
- ~~(22)~~(26) "Informed consent" means the voluntary, knowing, reasoned choice of a

person, or as appropriate the person's legal guardian.

~~(23)~~(27) "Inpatient psychiatric service provider" means a psychiatric hospital, or psychiatric inpatient unit(s) administered by a general hospital, or community mental health agency or other facility, that provides inpatient psychiatric services.

~~(24)~~(28) "Involuntary" means against an individual's will and/or without having been provided informed consent.

~~(24)~~(29) "JCAHO"~~"Jcaho"~~ means the joint commission on accreditation of healthcare organizations.

~~(25)~~(30) "License" means the department's written approval and authorization for an inpatient psychiatric service provider to receive persons with a mental disorder for care and treatment.

~~(26)~~(31) "Licensed practical nurse" means an individual who is licensed as a practical nurse according to Chapter 4723. of the Revised Code.

~~(27)~~(32) "~~Major unusual incident~~" means ~~an occurrence likely to cause serious harm which is not consistent with the routine care of a patient or routine operation of the inpatient psychiatric service provider. Incidents may involve patients, staff while on duty, or visitors. Major incidents shall include all deaths, serious bodily injuries, alleged criminal acts, alleged abuse or neglect, any adverse reaction of a patient to a life threatening degree due to an administered drug, medication errors likely to result in serious consequences to the patient, and any life threatening situations.~~

~~(28)~~(33) "Medical record" means the account, compiled by health care professionals, of a patient's history, present illness, findings on examination, details of care and services, and notes on progress.

~~(34)~~ "Medication" means therapeutic drugs (or agents or compounds) that require a prescription and/or order by an appropriately licensed practitioner.

~~(29)~~(35) "Mental retardation" means having significantly sub-average general intellectual functioning existing concurrently with deficiencies in adaptive behavior. The assessed level of retardation is based on I.Q. scores moderated by adaptive behavior testing or an assessment of the individual's actual functioning in daily life activities.

~~(30)~~(36) "Neglect" means a purposeful or negligent disregard of duty imposed on

an employee or staff member by statute, rule, or professional standard and owed to a patient by that employee or staff member.

~~(31)~~(37) "Nurse practitioner" means a registered nurse who has received a certificate of authority from the Ohio board of nursing pursuant to Chapter 4723. of the Revised Code to practice as a nurse practitioner

~~(32)~~(38) "Nursing staff" means clinical nurse specialists, nurse practitioners, registered nurses, licensed practical nurses, nursing assistants, and other nursing personnel who perform patient care.

~~(33)~~(39) "Occupational therapist" means an individual who is licensed as an occupational therapist or an occupational ~~therapist~~ therapy assistant according to Chapter 4755. of the Revised Code.

~~(34)~~(40) "Patient" means a person admitted to a hospital or inpatient unit(s) either voluntarily or involuntarily who is under observation or receiving treatment, or is receiving any other mental health services by the inpatient psychiatric service provider.

~~(35)~~(41) "Patient rights advocate" means that person(s), designated by each inpatient psychiatric service provider to safeguard patient rights and to assist patients in exercising their rights, including the rights in rules 5122-14-01 to 5122-14-13 of the Administrative Code and in Chapter 5122. of the Revised Code.

~~(36)~~(42) "Physician" means a person licensed under the laws of this state to practice medicine, or a medical officer of the government of the United States while in this state in the performance of his/her official duties.

~~(37)~~(43) "Psychiatric intensive care" means a program, within a defined secure physical space, normally including patient lounge and sleeping room space, utilized to provide a more intense form of care for those patients requiring closer observation, decreased environmental stimulation, or a more intensive staff to patient ratio.

~~(38)~~(44) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry as approved by the residency review committee of The accreditation council for graduate medical education of the American medical association; or the committee on postgraduate education of the American osteopathic board of neurology and psychiatry, or who has been recognized as of July 1, 1989, as a psychiatrist

by the Ohio state medical association or the Ohio osteopathic association, on the basis of formal training and five or more years of medical practice limited to psychiatry.

~~(39)~~(45) "Psychiatrist with clinical privileges in adolescent psychiatry" means a psychiatrist who is qualified through training and experience specific to the needs of adolescent age patients, and who has specific hospital clinical privileges to provide treatment to adolescent age patients.

~~(40)~~(46) "Psychiatrist with clinical privileges in geriatric psychiatry" means a psychiatrist who is qualified through the American board of psychiatry and neurology or through other documented training or experience specific to the needs of geriatric age patients, and who has specific hospital clinical privileges to provide treatment to geriatric age patients.

~~(41)~~(47) "Psychologist" means an individual who holds a current license under Chapter 4732. of the Revised Code which authorizes the practice of psychology.

~~(42)~~(48) "Psychotropic medication" means that group of medications which has a specific and intended effect on central nervous system functions and which is ordinarily used to alter disorders of thought, perception, mood, or behavior.

(49) "Recovery" means a personal process of overcoming the negative impact of a psychiatric disability despite its continued presence.

~~(43)~~(50) "Recreational therapist" means an individual who is registered by the Ohio recreational therapy registration board or certified by the national council for therapeutic recreation certification; or is licensed, certified or registered by another recognized state or national body to practice recreational therapy.

~~(44)~~(51) "Registered nurse (R.N.)" means an individual who is licensed as a registered nurse according to Chapter 4723. of the Revised Code.

~~(45)~~(52) "Rehabilitation therapist" means either an occupational therapist, a recreational therapist, or an expressive therapist as defined in this rule.

~~(46)~~(53) "Rehabilitation therapy services" means structured activities designed to help a patient develop or maintain functional living skills including physical, social and creative skills through participation in activities of daily living, vocational, recreational, social, expressive, or other activities designed to prepare patients for community living at the optimal level of independence.

- (54) "Reportable Incident" means an incident that must be submitted to the department, including incidents that must then be forwarded by the department to the Ohio legal rights service pursuant to section 5123.604 of the Revised Code. As referenced in division (C) of section 5119.611 of the Revised Code, "major unusual incident" has the same meaning as "reportable incident".
- (55) "Resiliency" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses - and to go on with life with a sense of mastery, competence and hope.
- ~~(47)~~(56) "Restraint" means any method of physically restricting a patient's freedom of movement, physical activity, or normal access to his or her body.
- ~~(48)~~(57) "Seclusion" means the involuntary confinement of a patient alone in a room where the patient is physically prevented from leaving.
- ~~(49)~~(58) "Significant other" means individuals who are significant and important to the well-being of the patient, as identified by the patient.
- ~~(50)~~(59) "Social worker," means an individual who is licensed as an independent social worker or as a social worker according to Chapter 4757. of the Revised Code.
- ~~(51)~~(60) "Treatment plan" means a written statement of objectives and goals for a patient with corresponding treatment interventions and services.
- ~~(52)~~(61) "Variance" means permission granted by the director in writing to an inpatient psychiatric service provider to change the conditions or specific requirements of a rule.
- ~~(53)~~(62) "Waiver" means permission granted by the director in writing to an inpatient psychiatric service provider to be exempted from the conditions of specific requirements of a rule.

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