

5122-24-01

**Certification definitions.****(A) Purpose**

The purpose of this rule is to provide definitions for key words and phrases used in the department certification standards.

**(B) Applicability**

The following definitions apply to Chapters 5122-24 to 5122-29 of the Administrative Code:

- (1) "Abuse" means any act or absence of action inconsistent with human rights which results or could result in physical injury to a person served, 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, where such activity would constitute an offense against a person served under that chapter; insulting or coarse language or gestures directed toward a person served which subjects the person served to humiliation or degradation; or depriving a person served of real or personal property by fraudulent or illegal means. For children, the definition of abuse is the same as in sections 2919.22 and 2151.031 of the Revised Code.
- (2) "Acceptability" means the way in which the ~~agency~~ provider ensures that its services and activities are sensitive to the individual needs of people, and that the ~~agency~~ provider addresses issues of freedom of choice, and of ethnic, racial, gender and cultural characteristics. Acceptability includes seeking out the advice of people being served, or of populations who may not be receiving sufficient services as reflected by a comparison of community demographics and the demographics of persons served by the ~~agency~~ provider, in order to understand how acceptability varies within the general population.
- (3) "Accessibility" means the ability for persons served to enter, approach, communicate with, or make use of the services of ~~an agency~~ a provider, including but not limited to the need for bilingual staff, minority-specific programming, staffing patterns that reflect community demographics and adequacy of hours of operation.
- (4) "Activity" means an action performed by ~~an agency~~ provider that does not constitute a mental health or addiction service as defined in paragraph (B)(66) of this rule, and therefore does not have a cost per unit, but that is reimbursable by the department, either as an activity, e.g., research, or as a portion of the unit cost of services, e.g., administrative.

- (5) "Administer" means the direct application of a single drug to the body of a client either by injection, inhalation, ingestion or any other means. The complete act of administration entails the following:
- (a) Removal of an individual dose from a previously dispensed, properly labeled container;
  - (b) Verification of drug dose with the practitioner's order;
  - (c) Properly identifying the client before giving the individual dose; and
  - (d) Properly recording the time, date, and dose given in the client's integrated clinical record.
- (6) "Administrative supervision" means to monitor the administrative aspects of a service or group of services within ~~an agency~~ a provider.
- (7) "Admission" means ~~an agency's~~ a provider's decision to offer direct services to a person, and includes opening an ~~integrated individual client clinical~~ record for the person at the time of the first admission to the ~~agency~~ provider.
- ~~(8) "Affiliation agreement" means a signed, written understanding among two or more organizations that describes how they will work together to benefit persons in the community.~~
- ~~(9) "Affirmative action plan" means the identification and analysis of employment opportunities for minority persons in an agency, and a plan to achieve equal employment opportunity.~~
- ~~(10) "Agency" means:~~
- ~~(a) Any agency, subcontract agency, facility, or organization funded by a community mental health board to provide the mental health services listed in section 340.09 of the Revised Code;~~
  - ~~(b) Any community mental health board approved by the department in accordance with division (A)(6) of section 340.03 of the Revised Code to provide any of the mental health services listed in section 340.09 of the Revised Code, or any mental health board determined by the department to be providing a service subject to department approval;~~
  - ~~(c) Any residential facility licensed according to section 5119.22 of the Revised Code that provides any of the mental health services listed in rules 5122-29-03 to 5122-29-27 of the Administrative Code; and~~

~~(d) Any agency providing a service approved by the community mental health board and the director of mental health as listed in division (R) of section 340.09 of the Revised Code.~~

~~"Community Mental Health Agency" has the same meaning and may be referred to as "Agency," "Subcontract Agency," "Facility," or "Organization."~~

~~(11)~~(8) "Appropriateness" means actions, treatment or service that promote empowerment, dignity, and self-worth as defined by the person served in consultation with the individuals providing the service.

(9) "Board of alcohol, drug addiction, and mental health services" or "board" means the body constituted according to section 340.02 of the Revised Code, or a community mental health board or an alcohol and drug addiction services board as described in section 340.021 of the Revised Code; which have the same duties as described in section 340.03 of the Revised Code.

~~(12) "Career exploration" means one aspect of a vocational service in which agency staff work with a person to assess vocational interests and aptitudes in preparation for employment.~~

~~(13)~~(10) "Certificate" means the official document containing the department's written authorization to the agency provider to operate specific services or activities. These services and activities are those which are included in the agency's provider's contract or sub-contract with the community mental health board board of alcohol, drug addiction, and mental health services or for which a non-contract agency provider has voluntarily applied to operate.

~~(14)~~(11) "Certification" means the written authorization from the department for ~~an~~ agency provider to operate specific services and provide activities according to Chapters 5122-24 to 5122-29 of the Administrative Code. These services and activities are those which are included in the agency's provider's contract or sub-contract with the community mental health board board of alcohol, drug addiction, and mental health services or for which a non-contract agency provider has voluntarily applied to operate.

~~(15)~~(12) "Certification standards" means the requirements as stated in Chapters 5122-24 to 5122-29 of the Administrative Code with which ~~an~~ agency provider must comply in order to receive certification by the department to provide mental health or addiction services and activities listed in section 340.09 of the Revised Code. These services and activities are those which are included in the agency's provider's contract with the Ohio department of medicaid state of Ohio

~~medicaid agency~~, contract or sub-contract with the ~~community mental health board~~board of alcohol, drug addiction, and mental health services or for which a non-contract ~~agency provider~~ has voluntarily applied to operate.

~~(16)~~(13) "Client" means a person admitted by ~~an agency~~ provider for mental health or addiction services or who receives mental health or addiction services from ~~an agency~~ provider. "Persons," "Persons Receiving Services," "Persons Being Served," "Persons Served", or "Consumer" has the same meaning as client. The terms include all categories of persons of all ages, unless specified.

~~(17)~~ "Community mental health board" means the body constituted according to section 340.02 of the Revised Code, and has the same duties as described in section 340.03 of the Revised Code. ~~Community mental health board means both a community mental health board and a board of alcohol, drug addiction and mental health services. If the term community mental health board is used, it also refers to a board of alcohol, drug addiction and mental health services.~~

~~(18)~~ "Community mental health plan" means the plan for providing mental health services as developed by a community mental health board and approved by the department of mental health in accordance with section 340.03 of the Revised Code.

~~(19)~~(14) "Community support system" means an array of services and activities that provides treatment, support, and rehabilitation services according to division ~~(A)(11)~~(A)(2) of section ~~340.03~~340.011 of the Revised Code.

(a) Location of persons in need of mental health or addiction services to inform them of available services and benefits mechanisms;

(b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;

(c) Mental health or addiction care, including, but not limited to outpatient, ~~partial hospitalization~~day treatment, and, where appropriate, inpatient care;

(d) Emergency services and crisis intervention;

(e) Assistance for clients to obtain vocational services and opportunities for jobs;

(f) Provision of services designed to develop social, community, and personal living skills;

- (g) Access to a wide range of housing and the provision of residential treatment and support;
  - (h) Support, assistance, consultation, and education for families, friends, consumers of mental health and addiction services, and others;
  - (i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health or addiction services;
  - (j) Grievance procedures and protection of the rights of consumers of mental health and addiction services; and
  - (k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.
- ~~(20)~~(15) "Consent" means agreement to participate in a research or treatment procedure on the basis of the subject's understanding of its nature and possible risks and benefits.
- ~~(21)~~ "Continuing education" means a process that is designed to improve or enhance the skills, knowledge, attitudes or competencies related to professional development of agency staff.
- ~~(22)~~(16) "Crisis" means a situation with a high stress level, for either an individual or a system, and where usual coping methods do not succeed in resolving the issues presented by the precipitating event. A crisis is usually short in duration, lasting less than eight to twelve weeks.
- ~~(23)~~ "Culturally specific and relevant service" means a service that responds effectively to the values present in all cultures, including but not limited to such cultures as African American, Hispanic, Asian, Amish, native American, and deaf persons. This also includes participation by persons from such cultures in decision making, service design and evaluation.
- ~~(24)~~(17) "Culturological assessment" means the systematic appraisal or examination of individuals, groups and communities as to their cultural beliefs, values and practices to determine explicit needs and intervention practices within the cultural context of the people being evaluated, and includes the following domains:
- (a) Patterns of life style;

- (b) Specific cultural values/norms;
- (c) Cultural taboos/myths;
- (d) Worldview and ethnocentric tendencies;
- (e) General features that client perceives similar to other cultures;
- (f) Health and life care rituals and rites of passage to maintain health;
- (g) Folk and professional health/illness systems utilized;
- (h) Degree of cultural change and acculturation noted;
- (i) Caring behaviors;
- (j) Cultural restrictions;
- (k) Spiritual needs; and
- (l) Family

~~(25)~~(18) "Department" means the Ohio department of mental health and addiction services.

~~(26)~~(19) "Destruction" means the act of making a drug unusable.

~~(27)~~(20) "Director" means the chief executive and administrative officer of the Ohio department of mental health and addiction services.

~~(28)~~(21) "Dispense" has the same meaning as defined in paragraph (B) of rule 4729-5-01 of the Administrative Code. Only those individuals authorized by the Ohio board of pharmacy may dispense medications. ~~means the professional judgment and the physical act of placing a specific drug in final association with the name of a particular client pursuant to the lawful prescription of a practitioner and according to paragraph (B) of rule 4729-5-01 of the Administrative Code. Dispensing includes the proper selection, measuring, packaging, labeling, and issuing of a drug or biological for a client or a service unit. Only a pharmacist or physician may dispense medications.~~

~~(29)~~(22) "Distribute" means the general system of moving drugs from a supplier to final destination, whether administered to a person served, stored, returned to supplier or destroyed.

- ~~(30) "DSM" means the "Diagnostic and Statistical Manual of Mental Disorders" published by the American psychiatric association.~~
- ~~(31)~~(23) "Emergency" means a situation that is a matter of life or death or of extreme drastic loss of a person's ability to manage a potentially dangerous situation where the goal is avoidance of loss and minimization of risks.
- ~~(32) "Ethnic, minority, or cultural group" means population groups such as "African Americans", "Hispanic persons", "Asian persons", native Americans", persons from the "Amish" culture, deaf persons or other groups that share a set of values or experiences that are important to understand in order to provide effective and relevant mental health services.~~
- ~~(33)~~(24) "Executive director" means the individual responsible for the day-to-day operation of ~~an agency~~a provider. The executive director, as defined by this paragraph, may be referred to by other titles, such as "chief executive officer."
- ~~(34) "Governing board" means the designated individuals or governing body legally responsible for conducting the affairs of the agency.~~
- ~~(35)~~(25) "Grievance" means a formal request for further review of any unresolved written complaint or a complaint containing allegations of the denial, exercise or violation of the rights of persons served. A grievance may be initiated either verbally or in writing by a person served, client, ex-client, or any other person or agency provider acting on behalf of a person served.
- ~~(36)~~(26) "Hazardous materials" means any substance considered to be potentially harmful to humans, including, but not limited to, toxic chemicals or flammable substances.
- ~~(37)~~(27) "ICR" means individual client record as described in Chapter 5122-27 of the Administrative Code.
- ~~(38) "IEP" means an individualized education program designed by the child's school personnel that describes the specialized educational services to be provided by the school system.~~
- ~~(39) "In-service education" means a process relating to specific job duties and responsibilities designed to improve or enhance specific content skills, knowledge, attitudes and competencies.~~
- ~~(40) "Interactive videoconferencing" means the use of secure, real-time audiovisual communications of such quality as to permit accurate and meaningful interaction between client and provider. This expressly excludes telephone~~

~~calls, with the exception of calls made utilizing communication devices which allow visual interaction between the provider and deaf and hard of hearing individuals, images transmitted via facsimile machines, and text messages without visualization of the client, i.e., electronic mail. The client must be present and participating in the session.~~

~~(41)~~(28) "Intervention" means a procedure that is intended to produce a change in behavior, cognition, and/or physiological or biochemical process.

~~(42)~~(29) "~~ISP~~"ITP" means individualized ~~service~~treatment plan as described in rule ~~5122-27-05~~5122-27-03 of the Administrative Code.

~~(43)~~(30) "Misconduct" means any act that may affect, interrupt or interfere with the performance of official duties and that is illegal or a wrongful performance or omission of a legal duty.

~~(44)~~(31) "Neglect" means a purposeful or negligent disregard of duty by an employee or staff member. Such duty is one that is imposed on an employee or staff member by statute, rule, or professional standards and which is owed to the person served by that employee or staff member.

~~(45)~~(32) "Orientation" means a process designed to improve or enhance an employee's knowledge about his or her job responsibilities and physical environment to increase awareness of the expectations, choices, resources, and constraints that affect job performance and adjustment.

~~(46)~~(33) "Outcomes" means the impact on the system or person served.

~~(47)~~(34) "Parent" means the parent(s) having legal custody or the ~~legal custodial agent~~custodian for a minor.

~~(48)~~(35) "Person with serious emotional disturbance" means a person less than eighteen years of age who meets criteria that is a combination of duration of impairment, intensity of impairment and diagnosis.

(a) Criteria:

(i) Under eighteen years of age;

(ii) Marked to severe emotional/behavioral impairment;

(iii) Impairment that seriously disrupts family or interpersonal relationships; and

(iv) May require the services of other youth-serving systems (e.g., education, human services, juvenile court, health, mental health/mental retardation, youth services, and others).

(b) Marked-to-severe behavioral impairment is defined as impairment that is at or greater than the level implied by any of the following criteria in most social areas of functioning:

(i) Inability or unwillingness to cooperate or participate in self-care activities;

(ii) Suicidal preoccupation or rumination with or without lethal intent;

(iii) School refusal and other anxieties or more severe withdrawal and isolation;

(iv) Obsessive rituals, frequent anxiety attacks, or major conversion symptoms;

(v) Frequent episodes of aggressive or other antisocial behavior, either mild with some preservation in social relationships or more severe requiring considerable constant supervision; and

(vi) Impairment so severe as to preclude observation of social functioning or assessment of symptoms related to anxiety (e.g., severe depression or psychosis).

(c) An impairment that seriously disrupts family or interpersonal relationships is defined as one:

(i) Requiring assistance or intervention by police, courts, educational system, mental health system, social service, human services, and/or children's services;

(ii) Preventing participation in age-appropriate activities;

(iii) In which community (home, school, peers) is unable to tolerate behavior; or

(iv) In which behavior is life-threatening (e.g., suicidal, homicidal, or otherwise potentially able to cause serious injury to self or others).

(36) "Person with severe mental disability" or "person with serious mental illness" means a person, age eighteen and over, who currently, or at any time during

the past year, has had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria, that has resulted in functional impairment which substantially interferes with or limits one or more major life activities. Major life activities include activities of daily living such as eating, bathing, or dressing; instrumental activities of daily living, such as maintain a household, managing money, getting around the community, or taking prescribed medications; or function in social, family or vocational/educational contexts.”

~~(49) "Person with severe mental disability" means a person eighteen years of age or older with a severe mental or emotional disability who meets at least two of the three following criteria of diagnosis, duration, and disability:~~

~~(a) Diagnosis: the current primary diagnosis is delusional disorders (DSM IHR 297.10); dissociative disorders (DSM IHR 300.14); eating disorders (DSM IHR 307.10, 307.51, 307.52); mood disorders (DSM IHR 296.3x, 296.4x, 296.5x, 296.6x, 296.70, 300.40, 301.13, 311.00); organic mental disorders (DSM IHR 290.0, 290.10, 290.1x, 290.4x, 294.10, 294.80); personality disorders (DSM IHR 301.00, 301.20, 301.22, 301.40, 301.50, 301.60, 301.70, 301.81, 301.82, 301.83, 301.84, 301.90), psychotic disorders (DSM IHR 295.40, 295.40, 295.70, 298.90); schizophrenia (DSM IHR 295.1x, 295.2x, 295.3x, 295.6x, 295.9x); somatoform disorder (DSM IHR 307.80); other disorders (DSM IHR 313.23, 313.81, 313.82); or other specified:~~

~~(b) Duration: the length of the problem can be assessed by either inpatient or outpatient use of service history, reported length of time of impairment, or some combination, including at least two prior hospitalizations of more than twenty-one days or any number of hospitalizations (more than one) totaling at least forty-two days prior to the assessment, or ninety to three hundred sixty-five days in a hospital or nursing home within three prior years, or major functional impairment lasting more than two years, resulting in utilization of outpatient mental health services on an intermittent and/or continuous basis:~~

~~(c) Disability/functional impairment: severity of disability can be established by disruption in two or more life activities, including but not limited to: employment, contributing substantially to one's own financial support (not to be entitlements), independent residence, self-care, perception and cognition, stress management/coping skills, interpersonal and social relations:~~

~~(50)~~ "Physical health assessment" means a comprehensive evaluation of a person's physical and emotional status including, but not limited to, physiological, emotional, nutritional and lifestyle components.

~~(51)~~(37) "Physician" (DO or MD) means the same as "medical doctor" and "doctor of osteopathic medicine."

~~(52)~~(38) "Plan" means a written document related to a service or activity that describes goals and objectives, assigns responsibility for implementation, establishes outcome measures, and assigns responsibility for monitoring and reporting results.

~~(53)~~(39) "Policy" means a written statement developed by ~~an agency~~ a provider that gives specific direction regarding how the ~~agency~~ provider intends to operate, either administratively or programmatically. Policies are developed to ensure that ~~agency~~ provider staff perform their duties in a consistent manner and that the public can expect that all services and activities will be conducted according to the policy statement.

~~(54)~~(40) "Practitioner" means a person eligible to provide a service in accordance with Chapter 5122-29 of the Administrative Code.

~~(55)~~(41) "Prescribe" means the professional judgment of selecting a specific drug, dosage and schedule of administration appropriate to the therapeutic needs of a person served.

~~(56)~~(42) "Principal" means a person who has controlling authority or is in a leading position, (e.g., executive director, chief financial officer, or chief clinical officer); a principal may also be an owner, partner, or member of the governing body of the provider.

~~(57)~~(43) "PRN order" (pro re nata order) means a written practitioner's order for a medication, treatment, or procedure which is only carried out when a person served manifests a specific, previously defined clinical or behavioral characteristic.

~~(58)~~(44) "Procedure" means a written set of instructions describing the step-by-step actions to be taken by ~~agency~~ provider staff in implementing the policies of the ~~agency~~ provider.

(45) Provider means:

- (a) Any community addiction services provider or community mental health services provider certified by the department to provide services pursuant to section 5119.36 of the Revised Code.
- (b) Any board of alcohol, drug addiction, and mental health services approved by the department in accordance with section 340.037 of the Revised Code to provide any of the mental health or addiction services listed in section 340.09 of the Revised Code, or any board of alcohol, drug addiction, and mental health services determined by the department to be providing a service subject to department approval; or,
- (c) Any residential facility licensed according to section 5119.34 of the Revised Code that provides any of the mental health services listed in Chapter 5122-29 of the Administrative Code.
- ~~(59)~~(46) "Psychiatrist" (DO or MD) means an individual who holds a current valid license to practice medicine according to section 4731. of the Revised Code, issued by the state medical board, 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, the committee on postgraduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who has been recognized as of July 1, 1989, as a psychiatrist by the Ohio medical association or Ohio osteopathic association, on the basis of formal training and five or more years of medical practice limited to psychiatry, or who is a licensed physician working under a temporary license and completing a residency in psychiatry.
- ~~(60)~~ "Psychoeducational milieu" means a treatment design based on a blending of mental health services and educational services.
- ~~(61)~~ "Purchase" means the act of requesting a drug(s) from a licensed supplier.
- ~~(62)~~(47) "Recovery" ~~means a personal process of overcoming the negative impact of a psychiatric disability despite its continued presence. It is an interpersonal dynamic process of embracing hope, defining oneself, and participating in meaningful roles in the community.~~ means the personal process of change in which Ohio residents strive to improve their health and wellness, resiliency, and reach their full potential through self-directed actions
- ~~(63)~~(48) "Referral" means a recommendation to seek or request services and/or evaluation between agencies in order to assess or meet the needs of persons

served. Referral, as used in "information and referral service", means the act of assisting an individual gain access to services of a community ~~agency~~provider.

~~(64)~~(49) "Resiliency" means a dynamic process which takes into account the interaction of risk and protective factors, contextual conditions, as well as the individual's traits and abilities.

~~(65)~~(50) "Self-administration" means a person taking medication independently.

~~(66)~~(51) "Service" means any action named and defined in Chapter 5122-29 of the Administrative Code as a mental health or addiction service provided for persons served by the ~~agency~~provider and their families and significant others, community organizations, and the general public for the purpose of treating or preventing mental illness, emotional disturbance, or substance abuse.

~~(67)~~(52) "Significant others" means individuals who are significant and important to the well-being of a person served, as identified by the person served.

~~(68)~~(53) "Standard" means a stated level of performance for a service or activity expressed as an accepted and adhered-to practice in the mental health or addiction service system.

~~(69)~~(54) "Stock supply" means a volume of medications that are not dispensed, or not labeled with the specific name of a person served, and has the same meaning as "limited stock supply".

~~(70)~~(55) "Student" means an individual enrolled in an educational program that is approved, certified or accredited, and who may provide mental health or addiction services as part of his/her practicum, internship, or field placement, and with appropriate supervision according to the requirements of the educational institution, applicable licensing board standards, and in coordination with applicable ~~agency~~provider policies and procedures.

~~(71)~~(56) "Supervise" means to monitor, instruct and be accountable for ~~agency~~provider staff in their performance of clinical services to persons served according to the policies of the ~~agency~~provider, and has the same meaning as "clinical supervision."

~~(72)~~(57) "Termination" means the decision to no longer provide services to a person served by the ~~agency~~provider.

~~(73)~~(58) "Transfer" means ~~an agency's~~a provider's recommendation to discontinue providing one or more services to a person and to begin providing another service(s) in the same ~~agency~~provider.

~~(74)~~(59) "Variance" means written permission granted by the department to ~~an agency~~ a provider to meet a modified requirement of a rule of the Administrative Code.

~~(75)~~(60) "Waiver" means written permission granted by the department to ~~an agency~~ provider to be exempted from a rule or specific provision of a rule of the Administrative Code.

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CERTIFIED ELECTRONICALLY

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Certification

07/01/2019

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Date

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