

5122:2-1-05**Board operation of mental health or addiction services or facilities.**

(A) The purpose of this rule is to establish the requirements and procedures for department of mental health and addiction services authorization of a board of alcohol, drug addiction, and mental health services to operate a facility or provide an addiction service or mental health service.

(B) The provisions of this rule apply to any mental health or addiction service or activity specified section 340.036 of the Revised Code, or to any facility in which such services are provided, and which operate under contract with the board.

(C) Definitions

For the purposes of this rule and section 340.037 of the Revised Code the following definitions apply:

(1) "Board" means a board of alcohol, drug addiction, and mental health services 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.

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

(3) "Emergency" means the imminent risk of a severe disruption or discontinuation of direct client services. For example, the sudden and unanticipated loss of funding or the loss of key staff may create a severe disruption or discontinuation of services.

(4) "Facility" means a building, structure or other improvement, equipment, and real property and interests in real property.

(5) "Operation of services, or facilities" means decision making or control and influence over decision making in the management or performance of a service, or facility.

(D) Section 340.036 of the Revised Code requires that addiction services and mental health services be delivered by providers under contract with a board. Services may be directly provided by a board only in the exceptional circumstances described in section 340.037 of the Revised Code.

(E) Where prior approval of the director is required pursuant to either division (A)(1) or division (B)(3) of section 340.037 of the Revised Code for a board to operate a facility

or provide an addiction service or mental health service, the request for approval shall include:

(1) Evidence that either:

(a) There is no other qualified private or public facility, community addiction services provider, or community mental health services provider that is immediately available and willing to operate such a facility or provide the service; or,

(b) There exists an emergency necessitating the board operating the facility or providing the service;

(2) The projected time period during which the board intends to operate the facility or provide the service;

(3) Assurance of the prompt development of a plan for ensuring that another provider will assume responsibility for operating the facility or provide the service; and,

(4) The operating plan for board provision of the service or facility.

(F) Any board which operates a facility or provides a service under the provisions of this rule and section 340.037 of the Revised Code shall comply with all requirements and standards as specified in rules of the department promulgated pursuant to Chapter 119. of the Revised Code which are applicable to contract providers.

(G) The director shall notify the requesting board of approval or disapproval in writing within sixty days of department receipt of all required evidence, assurances, and plans as specified in paragraph (E) of this rule. If a board submits a request to operate a facility or mental health or addiction service in an emergency, the director shall notify the requesting board of approval or disapproval within fourteen days of department receipt of all required evidence, assurances and plans, or the director shall notify the requesting board of the date by which the department expects to issue a response. The time frame for response shall take into consideration the nature of the emergency and the projected date identified by the board to begin operation of services or a facility, and shall not exceed sixty day of receipt of all required evidence, assurances and plans as specified in paragraph (E) of this rule.

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Certification

Date

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