



Ted Strickland, Governor
Sandra Stephenson, Director

NOTICE OF PUBLIC HEARING

Ohio Department of Mental Health

Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health (ODMH) hereby gives notice of its intent to consider the adoption, amendment, or rescission of the Ohio Administrative Code rule or rules as identified below and of a public hearing thereon.

Licensure of Inpatient Psychiatric Providers

- 5122-14-10 Patient Safety and Physical Plant Requirements (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-14-10 Patient Safety and Physical Plant Requirements (New)**
The rule includes new requirements for the use of seclusion and restraint, and updates language, as well as existing requirements for physical plant, inspections, safety and staffing.
- 5122-14-14 Incident Notification and Risk Management (New)**
The rule includes two appendices and specifies the reporting requirements for “per incident” and “six month data” incident reporting, specific definitions of what constitutes a reportable incident, and requirements for internal review of reportable incidents.

Certification of Community Mental Health Agencies

- 5122-26-13 Incident Notification (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-26-13 Incident Notification and Risk Management (New)**
The rule includes two appendices and specifies the reporting requirements for “per incident” and “six month data” incident reporting, specific definitions of what constitutes a reportable incident, and requirements for internal review of reportable incidents.

- 5122-26-16 Special Treatment and Safety Measures (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-26-16 Seclusion and/or Restraint (New)**
The rule describes the new requirements for the use of seclusion and restraint, including staff training, prevention efforts and performance improvement review.
- 5122-26-16.1 Mechanical Restraint and Seclusion (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-26-16.1 Mechanical Restraint and Seclusion (New)**
The rule describes the new requirements for the use of mechanical restraint.
- 5122-26-16.2 Physical Restraint (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-26-16.2 Physical Restraint (New)**
The rule includes describes the new requirements for the use of physical restraint.
- 5122-26-16.3 Aversive Behavioral Interventions and Plans (Rescind)**
This rule is being rescinded. In proposed new rule 5122-26-16, the Department is proposing to prohibit the use of major aversive behavioral interventions.

Licensure of Residential Facilities

- 5122-30-16 Incident Notification (Rescind)**
This rule is being rescinded and replaced with a new rule due to amending over 50% of the current rule.
- 5122-30-16 Incident Notification and Risk Management (New)**
The rule includes two appendices and specifies the reporting requirements for “per incident” and “six month data” incident reporting, specific definitions of what constitutes a reportable incident, and requirements for internal review of reportable incidents.
- 5122-30-17 Special Treatment and Safety Measures (Amend)**
The rule updates the rule title to “Seclusion and/or restraint” and language to reflect proposed changes to OAC rule 5122-26-16, and specifies that a Type 2 and Type 3 residential facility may not utilize seclusion and all forms of restraint.

A public hearing on the proposed rules will be held on **Tuesday, December 14, 2010**, beginning at **1:30 pm**, and continuing until all persons in attendance have had an opportunity to testify. The hearing will be held in **Room 806 of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio 43215, 8th FL**. At this hearing, ODMH will accept verbal and/or written testimony on the proposed rules under consideration.

Persons may also submit written testimony via mail/e-mail. Any written comments received or postmarked on or before the public hearing date will be treated as testimony. Submittal of written comments may be made to Janel M. Pequignot, Chief, Standards Development and Administrative Rules, by e-mail to Janel.Pequignot@mh.ohio.gov; by fax to 614-752-9453; or by mail to 30 East Broad Street, 8th Floor, Columbus, Ohio 43215-3430.

Copies of these rules are available for review at the Register of Ohio website: www.registerofohio.state.oh.us or the ODMH website <http://mentalhealth.ohio.gov/what-we-do/protect-and-monitor/licensure-and-certification/rules/index.shtml> (Follow link to "Pending Rules"). A request for a copy of the proposed rules may also be submitted by mail to Janel M. Pequignot, Chief, Standards Development and Administrative Rules, 30 East Broad Street, 8th Floor, Columbus, Ohio 43215-3430 or by e-mail to Janel.Pequignot@mh.ohio.gov.