



Department of
Mental Health

NOTICE OF PUBLIC HEARING

Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health (ODMH) hereby gives notice of its intent to amend, rescind and adopt the Ohio Administrative Code (OAC) rules as identified below and to conduct a public hearing thereon.

Licensure of Inpatient Psychiatric Service Providers

5122-14-11

Patient Rights, Participation and Education (Rescind)

This rule is being rescinded and replaced with a new rule due to revising over 50% of the existing rule.

5122-14-11

Patient Rights, Participation and Education (New)

This rule is filed as a replacement rule due to amending over 50% of the existing rule. The rule revises and aligns the rights of patients with those in community mental health agencies and residential facilities, using common language for the most part, while identifying some differences based on level of care. The proposed amendment also requires posting a copy of the patient rights in an accessible location.

Certification Standards for Community Mental Health Agencies

5122-25-03

Deemed Status and Reciprocity (Rescind)

This rule is being rescinded and replaced with a new rule due to revising over 50% of the existing rule.

5122-25-03

Deemed Status and Reciprocity (New)

This rule is filed as a replacement rule due to amending over 50% of the existing rule. In accordance with the requirements of House Bill 153, the rule proposes to reduce the rules which are exempt from deemed status, identify documentation required as part of an application for deemed status, updates the names of the recognized behavioral health accrediting bodies, denotes the department may conduct surveys or review documentation to evaluate whether accrediting body standards and processes continue to reflect appropriate service delivery models, require an agency to notify the department within 10 days of any changes to its accreditation status, and identify department actions if an agency loses its accreditation.

Certification Standards for Community Mental Health Agencies

- 5122-25-04 Certification Procedure (Amend)**
This rule is being amended in accordance with the requirements of House Bill 153 to identify the department's limited authority to survey or otherwise evaluate an agency which has appropriate behavioral health accreditation and has been granted deemed status, and identifies the method for evaluating other agencies.
- 5122-25-05 Provisions of Certification Procedure (Amend)**
This rule is being amended to achieve regulatory reduction by removing the ability of the department to issue a certificate for one year for an agency applying for its first certification as well as an agency applying to add one or more services specified in the current rule.
- 5122-26-18 Client Rights and Grievance Procedures, and Abuse (Amend)**
This rule is being amended to revise and align the rights of patients with those in community mental health agencies and residential facilities, using common language for the most part, while identifying some differences based on level of care. The rights and grievance procedures are now contained in this rule, rather than through reference to OAC rule 5122:2-1-02.

Licensure of Residential Facilities

- 5122-30-22 Resident Rights and Grievance Procedures (Rescind)**
This rule is being rescinded and replaced with a new rule due to revising over 50% of the existing rule.
- 5122-14-11 Resident Rights and Grievance Procedures (New)**
This rule is filed as a replacement rule due to amending over 50% of the existing rule. The rule revises and aligns the rights of patients with those in community mental health agencies and residential facilities, using common language for the most part, while identifying some differences based on level of care. The grievance procedures are now contained in this rule, rather than through reference to OAC rule 5122-26-18.

Operations Management

- 5122:2-1-02 Client Rights and Grievance Procedure (Rescind)**
This rule is being rescinded and replaced with a new rule due to revising over 50% of the existing rule.

Operations Management

5122:2-1-02

Board Client Rights and Grievance Procedures (New)

This rule is filed as a replacement rule due to amending over 50% of the existing rule. The rule no longer includes the client rights and grievance procedure requirements for community mental health agencies, as those provisions are now contained in OAC rule 5122-26-18. There is no longer a requirement for Boards to receive and review an annual summary of grievances from its contract agencies, and provide those as well as an annual summary of its own grievances to the Department of Mental Health.

A public hearing on the proposed rules will be held on **Tuesday, August 30, 2011**, beginning at **1:00 pm**, 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.