

Mike DeWine, Governor

Jon Husted, Lt. Governor

LeeAnne Cornyn, Director

PUBLIC NOTICE

Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health and Addiction Services (OhioMHAS) will hold a public hearing for the purpose of accepting testimony on the proposed changes to the following rules pertaining to private psychiatric hospitals:

- O.A.C. 5122-14-01 Definitions and applicability
- O.A.C. 5122-14-02 Accreditation
- O.A.C. 5122-14-03 Licensure procedure
- O.A.C. 5122-14-04 Classification of licenses
- O.A.C. 5122-14-05 Termination of license
- O.A.C. 5122-14-06 Waivers and variances
- O.A.C. 5122-14-07 Display of license
- O.A.C. 5122-14-08 Fee schedule
- O.A.C. 5122-14-10 Patient safety and physical plant requirements
- O.A.C. 5122-14-11 Patient rights, participation and education
- O.A.C. 5122-14-12 Program, specialty services and discharge planning requirements
- O.A.C. 5122-14-13 Medical records, documentation and confidentiality
- O.A.C. 5122-14-14 Incident notification and risk management

Rule	Summary of major proposed changes
5122-14-01	This rule specifies the definitions used throughout O.A.C. chapter 5122-14 and the providers to whom the rules in this chapter apply. OhioMHAS is proposing to update definitions that are outdated, not consistent with terms in the Revised Code (e.g., elimination of the term, "mental retardation"), or do not reflect updates in technology, such as the use of the Web Enabled Incident Reporting System (WEIRS). OhioMHAS is also proposing to define "mechanical restraint," "physical restraint," "prone restraint," and "transitional hold" consistent with the definitions of these terms in its existing seclusion and restraint rule applicable to community providers, O.A.C. 5122-26-16.

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Rule	Summary of major proposed changes
5122-14-02	This rule specifies the accreditation requirements for OhioMHAS-licensed
	inpatient psychiatric providers. OhioMHAS is proposing to update these
	requirements to include the new name of the organization formerly known
	as HFAP (Accreditation Commission for Health Care Inc. (ACHC)) and the
	correct name of DNV (DNV Healthcare USA Inc.), as well as to conform the
	rule to LSC Rule Drafting Manual drafting standards.
	This rule specifies the OhioMHAS licensure procedure for hospitals that
	receive individuals with mental illness. OhioMHAS is proposing to update it
	to:
	Reflect that on and after September 30, 2024, Ohio-MHAS licensed beds
	do not also need to be registered with the Ohio Department of Health
	(ODH) due to the exemption from ODH registration in R.C. 3722.02(C)(4)
	that was passed by the General Assembly through H.B. 110 of the 134 th
5122-14-03	General Assembly;
	Specify that OhioMHAS is to have access to, and have copies of, any of a
	provider's records, regardless of format, to verify compliance with R.C.
	5119.33 and rules in this chapter;
	Specify that OhioMHAS may conduct interviews with members of the
	provider's governing body, staff, and others and, with patient consent, the
	patient; and
	Conform to LSC Rule Drafting Manual drafting standards.
	This rule specifies the classifications of OhioMHAS-issued licenses for
5122-14-04	hospitals that receive individuals with mental illness. OhioMHAS is
	proposing to correct the reference from HFAP to ACHC and update the rule
	to conform to LSC Rule Drafting Manual drafting standards.
	This rule specifies the circumstances under which OhioMHAS may revoke
5122-14-05	or refuse to grant or renew a full, probationary, or interim license.
	OhioMHAS is proposing to update it to conform to LSC Rule Drafting
	Manual drafting standards.
	This rule specifies the procedure an inpatient psychiatric service provider
5122-14-06	follows to request a waiver or variance from OhioMHAS licensure
	requirements. OhioMHAS is proposing to update it to conform to LSC Rule
	Drafting Manual drafting standards.
5122-14-07	This rule specifies that license holders are to display their current license in
	a conspicuous place and that the license remains the property of
	OhioMHAS. OhioMHAS is proposing to update it to conform to <i>LSC Rule</i>
	Drafting Manual drafting standards.

Rule	Summary of major proposed changes
5122-14-08	This rule specifies the fees for inpatient psychiatric service provider
	licensure. OhioMHAS is proposing to update it to conform to LSC Rule
	Drafting Manual drafting standards.
5122-14-10	This rule specifies the patient safety and physical plant requirements for psychiatric service provider licensure. OhioMHAS is proposing to update it to:Reflect changes in an office name at the Ohio Department of Commerce;
	Eliminate text regarding transitional holds recognizing that the definition of "transitional hold" in O.A.C. 5122-14-01 is being amended to make it consistent with the definition of this term in O.A.C. 5122-26-16 (which was recently updated in 2023);
	Specify order requirements for restraint when used to safely transport an individual; and
	Conform to LSC Rule Drafting Manual drafting standards.
5122-14-11	This rule specifies the rights a patient has while admitted to an OhioMHAS-licensed hospital. OhioMHAS is proposing to update it to replace
	references to "client" with "patient" and conform the rule to LSC Rule Drafting Manual drafting standards.
5122-14-12	This rule specifies requirements for plans of service and clinical and professional services in OhioMHAS-licensed hospitals, as well as criteria for admissions to and discharges from such hospitals. OhioMHAS is proposing to update the rule to:
	Reflect that on and after September 30, 2024, Ohio-MHAS licensed beds do not also need to be registered with the Ohio Department of Health (ODH) due to the exemption from ODH registration in R.C. 3722.02(C)(4)
	that was passed by the General Assembly through H.B. 110 of the 134 th General Assembly;
	Specify that psychiatric nursing experience does not, for a nurse hired on or after July 1, 2024, include experience derived from working in a hospital medical unit, emergency department, or other healthcare setting where
	individuals do not have a primary psychiatric diagnosisConform to LSC Rule Drafting Manual drafting standards.
5122-14-13	This rule specifies all of the following: how an inpatient psychiatric service provider is to maintain patient records; complete an assessment of, and
	have a written individualized treatment plan for, each patient; and develop a discharge plan for each patient. OhioMHAS is proposing to update it to conform to LSC Rule Drafting Manual drafting standards.

Rule	Summary of major proposed changes
5122-14-14	This rule establishes standards to ensure the prompt and accurate
	notification of certain prescribed incidents. OhioMHAS is proposing to
	update the rule to refer to electronic reporting through the Web Enabled
	Incident Reporting System (WEIRS) and conform the rule to LSC Rule
	Drafting Manual drafting standards.

The public hearing will be held at 10 am on Friday, February 23, 2024, in Room 3602 of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio, 36th Floor. You may also access the hearing through Microsoft Teams using meeting ID 257 141 047 802 and passcode JreQKb. At this hearing, OhioMHAS will accept verbal and written testimony on the rules under consideration.

The hearing will be conducted in accordance with Chapter 119 of the Ohio Revised Code. Any person affected by the rules may appear and be heard in person, by his or her attorney, or both; may present his or her position, arguments, or contentions, orally or in writing; offer and examine witnesses; and present evidence tending to show that the rules, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio: www.registerofohio.state.oh.us.

Persons may also submit written testimony in lieu of appearing at the public hearing. Written testimony sent by mail must be postmarked no later than the day of the hearing. Written testimony transmitted by email must be received no later than 5 pm on the day of the hearing. Written testimony may be mailed to: Ohio Department of Mental Health and Addiction Services, Division of Legal Services, Attention: Lisa Musielewicz, 30 East Broad Street, 36th Floor, Columbus, Ohio 43215-3430; or emailed to MH-SOT-PPH-rules@mha.ohio.gov.

Microsoft Teams link - Click here to join the meeting