

**NOTICE OF PUBLIC HEARING**  
**Ohio Department of Mental Health**

Pursuant to section 119.03 of the Ohio Revised Code, notice is hereby given that the Department intends to conduct a public hearing.

The following rules are being proposed:

**Amended Rules and Proposed Changes Summary**

**Licensure of Inpatient Psychiatric Service Providers**

5122-14-08 Fee schedule  
(to increase the fee schedule)

**Licensure of Residential Facilities**

5122-30-04 Licensure application and procedures  
(to increase the fee schedule)

**Certification Standards for Community Mental Health Agencies**

5122-24-01 Definitions  
(add additional providers and revise definitions)

5122-25-02 Accreditation Requirements  
(delete services requiring accreditation and make it voluntary)

5122-25-03 Deemed Status and Reciprocity  
(remove ACT & IHBT standards from those exempt from deemed status, adds one standard to the list of those exempt from deemed status, and identifies the documents needed for a deemed status application. Allows the Department to withdraw deemed status in certain circumstances when an agency is non-compliant with Ohio Administrative Code certification standards, and states the conditions and requirements for the Department to do so, and to restore deemed status. It requires an agency to notify ODMH of any change to its accreditation status.)

5122-25-04 Certification Procedure  
(revises the content and information contained in a certification application, and clarifies that an application that does not include all of the requirements is not considered an application, and return of an incomplete application is not denial of an application. Describes the new certification and on-site survey process for a community mental health agency/provider who is applying for its first (initial) certification and the renewal of an initial certification. Describes the documentation required for a provider to add a new site to its certification.)

5122-25-05 Provisions of Certification  
(Clarifies that an agency may only hold one type of certification at a time, adds a fourth type of certificate which is non-renewable, and for a provider applying for initial certification. Allows that an agency's

certified services may extend to all locations at which the provider is certified to provide services.)

- 5122-25-07 Denial, Revocation and Termination of Certification  
(Specifies a circumstance in which the department may revoke certification.)
- 5122-25-08 Fees  
(increases certification fees for interim, probationary and full certification by 50% for a three year certification period, for a provider whose fee is not automatically waived. Establishes a fee for a provider applying for initial certification and that a provider who receives a probationary certification shall be assessed a certification fee.)
- 5122-26-17 Accessibility, Availability, Appropriateness & Acceptability of Services  
(Removes the requirement for an agency to provide mental health services to an individual regardless of ability to pay. The rule establishes additional standards for availability of services, by requiring that a provider offer its certified services throughout the year.)
- 5122-29-27 Other mental health service  
(corrects a rule reference)
- 5122-29-29 Assertive community treatment service  
(modifies some of the rule requirements, and moves eligible provider and supervisor matrix to a new rule)

The following amended rules are done so to indicate the eligible provider and supervisors of each service are now found in OAC 5122-29-30.

**Certification Standards for Community Mental Health Agencies**

- 5122-29-03 Behavioral health therapy and counseling service
- 5122-29-04 Mental health assessment service
- 5122-29-05 Pharmacologic management service
- 5122-29-06 Partial hospitalization service
- 5122-29-07 Forensic evaluation service
- 5122-29-08 Behavioral health hotline service
- 5122-29-10 Crisis intervention mental health service
- 5122-29-11 Employment/vocational service
- 5122-29-13 Adult educational service
- 5122-29-14 Social and recreational service
- 5122-29-19 Consultation service
- 5122-29-20 Prevention service
- 5122-29-21 Mental health education service
- 5122-29-23 Adjunctive therapy service
- 5122-29-24 Occupational therapy service
- 5122-29-25 School psychology service

## **Rescinded and New Rule and Summary**

### **Certification Standards for Community Mental Health Agencies**

- 5122-29-28 Intensive home based treatment service (rescind and new)  
(Rescinded and new rule filed d/t 50% rule revisions requirement. Offers a new description of the rule, eliminates and modifies some of the rule requirements, and moves eligible provider and supervisor matrix to a new rule)
- 5122-30-30 Eligible providers and supervisors (new)  
(Creates one matrix identifying eligible providers and supervisors of applicable mental health services.)

## **No Change Rules**

### **Certification Standards for Community Mental Health Agencies**

- 5122-29-01 Purpose  
5122-29-02 Applicability  
5122-29-15 Self-Help/Peer Support service  
5122-29-16 Consumer Operated service  
5122-29-18 Inpatient Psychiatric service  
5122-29-22 Referral and Information service

## **Amended and Rescinded New Rules and Summary**

Where rescinded and new rule filed, it is due to 50% rule revisions requirement.

The following rules are filed as a package in order to:

- Update and streamline to correlate the rules with current practice and terminology.
- Reflect change in Ohio Department of Mental Health bond statute that permits nonprofit applicants for community capital funds to work in concert with for-profit limited partnerships or limited liability companies in order to leverage low income housing tax credits - the credits are sold to passive investor partners/members, bringing an infusion of capital into the project.
- Eliminate of the option of reliance upon an applicant's leasehold (versus ownership) interest in property in order to obtain capital funds.
- Change requirement to provide services from 40 years to 30 years, effective July 1, 2010.

### **Construction Assistance for Community Mental Health Facilities**

- 5122:3-1-01 Definitions (Amend)  
5122:3-1-02 Responsibility of the Department (Amend)  
5122:3-1-03 Department Priorities (Amend)  
5122:3-1-04 Submission of Applications (Rescind and new)  
5122:3-1-05 Requirements for Project Approval (Rescind and new)  
5122:3-1-06 Department Approval of Project (Rescind and new)

- 5122:3-1-07 Selection of Architect or Engineer; Determination of Fees (Rescind and new)
- 5122:3-1-08 Responsibility of Architects or Engineers; Termination (Rescind)
- 5122:3-1-09 Standards of Construction; Design Criteria; Site Criteria (Rescind and new)
- 5122:3-1-10 Project Cost Determination (Rescind and new)
- 5122:3-1-11 Participation in Project Cost (Rescind and new)
- 5122:3-1-12 Project Cost Adjustments (Rescind and new)
- 5122:3-1-13 Real Property (Rescind and new)
- 5122:3-1-14 Reimbursement schedule for state funds
- 5122:3-1-15 Civil rights; affirmative action
- 5122:3-1-16 Appeals

**A Public Hearing will be conducted:**

Date: Tuesday, May 19, 2009

Time: 1:00 p.m.

Room: Room 806

Location: Rhodes State Office Tower

30 East Broad Street

Columbus, Ohio 43215

Copies of these rules are available for review at the Department of Mental Health, 8<sup>th</sup> floor, Rhodes State Office Tower, 30 East Broad Street, Columbus, Ohio, 43215. Ask for Janel M. Pequignot, Chief, Standards Development and Administrative Rules. The proposed rules are also on the Register of Ohio website: [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

For questions regarding the hearing, you may write Ms. Pequignot at the address above or call 614.466.9065.

Testimony for the Public Hearing may also be sent to Ms. Pequignot in case it is not possible to attend the Public Hearing. To be included in the hearing record, it must be received no later than 5:00 pm on the day before the hearing. If it is known that an interpreter for the hearing impaired will be needed for the Public Hearing, please contact Ms. Pequignot in this regard.