



## Ohio Administrative Code Rule 5122-14-01 Definitions and applicability.

Effective: April 24, 2024

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(A) The provisions of Chapter 5122-14 of the Administrative Code apply to each inpatient psychiatric service provider licensed pursuant to section 5119.33 of the Revised Code by the department of mental health and addiction services.

(B) The following definitions apply to Chapter 5122-14 of the Administrative Code:

(1) "Abuse" means any act or absence of action caused by an employee inconsistent with rights that results in or could result in physical injury to a patient; any act that constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, when such activity would constitute an offense against a patient under that chapter; insulting or coarse language or gestures directed toward a patient that subjects the patient to humiliation or degradation; or depriving a patient of real or personal property by fraudulent or illegal means.

(2) "Abused child" has the same meaning as in section 2151.031 of the Revised Code.

(3) "ACHC" means the accreditation commission for health care.

(4) "Admission" means acceptance by the inpatient psychiatric service provider of a person with the intent of providing at least twenty-four hours continuous care and treatment to that person.

(5) "Advance directives" means a legal document an adult can use to direct in advance the decisions about their mental or physical health treatment if in the future they lack the capacity to make their own health care decisions.

(6) "Certified nurse practitioner" has the same meaning as in section 4723.01 of the Revised Code.

(7) "Chemical restraint" means any medication that alters the functioning of the central nervous system in a manner that limits physical and cognitive functioning to the degree that the patient



cannot attain the patient's highest practicable physical, mental, and psychosocial well-being.

(8) "Child and adolescent psychiatrist" means a psychiatrist who is certified in child and adolescent psychiatry by the American board of psychiatry and neurology or has successfully completed training in a child and adolescent psychiatry program approved by the residency review committee of the accreditation council for graduate medical education of the American medical association. A child and adolescent psychiatrist is also a psychiatrist as defined in this rule.

(9) "Clear treatment reasons" means that a patient would present a substantial risk of physical harm to themselves or others, or that effective treatment of the patient would be substantially precluded.

(10) "Clinical nurse specialist" has the same meaning as in section 4723.01 of the Revised Code.

(11) "Clinical privileges" means authorization granted to a practitioner to provide specific health care services in the organization within well-defined limits, based on the following factors, as applicable: license, certification, registration, education, training, experience, competence, health status, and judgment.

(12) "CMS" means the centers for medicare and medicaid services, a federal agency within the U.S. department of health and human services.

(13) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(14) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code.

(15) "Counselor" means an individual who is licensed as a professional counselor or a professional clinical counselor in accordance with Chapter 4757. of the Revised Code.

(16) "Cultural sensitivity" means an awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) of a group of people, particularly those of a race or ethnic group different from one's own, or those identified cultures of persons with specific



disabilities such as deafness.

(17) "Culturally relevant" means incorporating awareness, understanding, and responsiveness to the beliefs, values, customs, and institutions (family, religious, etc.) and ethnic heritage of individuals or those identified cultures of persons with specific disabilities such as deafness, into training, treatment, and services designed to impact upon, or meet the needs of individuals or groups.

(18) "Department" means the Ohio department of mental health and addiction services.

(19) "Det norske veritas (DNV) healthcare, inc." means the organization, a division of det norske veritas, which operates the national integrated accreditation for healthcare organizations program.

(20) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(21) "Director" means the director of the Ohio department of mental health and addiction services.

(22) "Dietitian" means an individual who is licensed as a dietitian in accordance with Chapter 4759. of the Revised Code.

(23) "Emergency" means an impending or crisis situation that creates circumstances demanding immediate action.

(24) "Expressive therapist" means an individual who provides treatment intervention through the use of such activities as art, music, or dance and who (a) is certified or registered by the national expressive therapist association, certification board for music therapists, American arts therapy association, American dance therapy association or (b) is licensed, certified or registered by another recognized state or national body to practice expressive therapy.

(25) "Family members" means persons related by family to a patient.

(26) "Grievance" means a written record of dissatisfaction with mental health services expressed by a patient, family member, significant other, patient rights advocate, or other interested person or agency.



(27) "Guardian" means any person, association, or corporation appointed by the probate court to have responsibility for the care and management of a minor or a person declared incompetent in accordance with Chapter 2111. of the Revised Code.

(28) "Incident" means any event that poses a danger to the health and safety of patients, staff, or visitors of the hospital, and is not consistent with routine care of persons served or routine operation of the hospital.

(29) "Informed consent" means the voluntary, knowing, reasoned choice of a person, or, as appropriate, the person's legal guardian to a proposed treatment or procedure.

(30) "Inpatient psychiatric service provider" or "hospital" means a psychiatric hospital or psychiatric inpatient unit administered by a general hospital, community mental health service provider, or other facility that provides inpatient psychiatric services.

(31) "Involuntary" means against an individual's will or without having been provided informed consent.

(32) "Joint commission" (TJC) means the joint commission, formerly known as the joint commission on accreditation of healthcare organizations (JCAHO).

(33) "License" means the department's written approval and authorization for an inpatient psychiatric service provider to receive persons with a mental disorder for care and treatment.

(34) "Licensed practical nurse" has the same meaning as in section 4723.01 of the Revised Code.

(35) "Mechanical restraint," "physical restraint," and "prone restraint" have the same meanings as in rule 5122-26-16 of the Administrative Code.

(36) "Medical record" means the account of a patient's hospitalization, compiled by health care professionals, including but not limited to a patient's history, present illness, findings on examination, details of care, services and treatment, and progress notes.



(37) "Medication" means therapeutic drugs (or agents or compounds) dispensed, personally furnished, or administered pursuant to a prescription or order by an appropriately licensed independent practitioner.

(38) "Neglect" means a purposeful or negligent disregard of duty imposed on an employee or staff member by statute, rule, or professional standard and owed to a patient by that employee or staff member.

(39) "Nursing staff" means clinical nurse specialists, certified nurse practitioners, registered nurses, licensed practical nurses, nursing assistants, and other nursing personnel who perform patient care.

(40) "Occupational therapist" has the same meaning as in section 4755.04 of the Revised Code.

(41) "Occupational therapy assistant" has the same meaning as in section 4755.04 of the Revised Code.

(42) "Patient" means a person admitted to a hospital or inpatient unit either voluntarily or involuntarily who is under observation or receiving treatment or is receiving any other mental health services by the inpatient psychiatric service provider.

(43) "Patient rights specialist" means a person designated by each inpatient psychiatric service provider to safeguard patient rights and to assist patients in exercising their rights, including the rights in this chapter and in Chapter 5122. of the Revised Code.

(44) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery or a medical officer of the government of the United States while in this state in the performance of his or her official duties.

(45) "Psychiatric intensive care" means a program within a defined secure physical space (normally including patient lounge and sleeping room space) utilized to provide a more intense form of care for those patients requiring closer observation, decreased environmental stimulation, or a more intensive staff to patient ratio.



(46) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(47) "Psychiatrist with clinical privileges in adolescent psychiatry" means a psychiatrist who is qualified through training and experience specific to the needs of adolescent patients and has specific hospital clinical privileges to provide treatment to adolescent patients.

(48) "Psychiatrist with clinical privileges in geriatric psychiatry" means a psychiatrist who is qualified through the American board of psychiatry and neurology or through other documented training or experience specific to the needs of geriatric patients and has specific hospital clinical privileges to provide treatment to geriatric patients.

(49) "Psychologist" means an individual who holds a current, valid license to practice psychology issued under section 4732.12 of the Revised Code.

(50) "Psychotropic medication" means that group of medications having a specific and intended effect on central nervous system functions that are ordinarily used to alter disorders of thought, perception, mood, or behavior.

(51) "Recovery" means a personal process of overcoming the negative impact of a psychiatric disability despite its continued presence.

(52) "Recreational therapist" means an individual who is registered by the Ohio recreational therapy registration board or certified by the national council for therapeutic recreation certification or who is licensed, certified, or registered by another recognized state or national body to practice recreational therapy.

(53) "Registered nurse (R.N.);" has the same meaning as in section 4723.01 of the Revised Code.

(54) "Rehabilitation therapist" means an occupational therapist, occupational therapy assistant, recreational therapist, or expressive therapist as defined in this rule. Such individuals are to comply with current, applicable scope of practice and supervisory requirements as identified by their appropriate licensing, certifying, or registering bodies.



(55) "Rehabilitation therapy services" means structured activities designed to help a patient develop or maintain functional living skills including physical, social, and creative skills through participation in activities of daily living, vocational, recreational, social, expressive, or other activities designed to promote patient recovery, resiliency, and independence in both the hospital and community setting.

(56) "Reportable incident" means an incident that has to be submitted to the department through the web enabled incident reporting system (WEIRS), maintained by the department, in accordance with the rules in this chapter. As referenced in division (G) of section 5119.36 of the Revised Code, "major unusual incident" has the same meaning as "reportable incident".

(57) "Resiliency" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses and to go on with life with a sense of mastery, competence, and hope.

(58) "Restraint" means any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move his or her arms, legs, body, or head freely.

(59) "Seclusion" means the involuntary confinement of a patient alone in a room where the patient is physically prevented from leaving.

(60) "Significant other" means an individual who is significant and important to the well-being of the patient, as identified by the patient.

(61) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(62) "Transitional hold" means a brief hold, without undue force, of a person in order to calm or comfort them; or holding a person's hand to safely escort them from one area to another. At no time may a transitional hold be a prone restraint, mechanical restraint, or physical restraint as defined in this rule. Transitional holds are not seclusion or restraint.



(63) "Treatment plan" means a written statement of goals and objectives for a patient with corresponding treatment interventions and services.

(64) "Variance" means permission granted by the director or designee in writing to an inpatient psychiatric service provider to change the conditions or specific mandates of a rule.

(65) "Waiver" means permission granted by the director or designee in writing to an inpatient psychiatric service provider to be exempted from the conditions of specific mandates of a rule.