



Ohio Revised Code

Section 5119.36 Certifying community mental health services or addiction services providers.

Effective: September 29, 2013

Legislation: House Bill 59 - 130th General Assembly

(A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its community mental health services or community addiction services shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and shall evaluate the provider to determine whether its services satisfy the standards established by rules adopted under division (E) of this section. The director shall make the evaluation, and, if the director conducts an on-site review of the provider, may make the review, in cooperation with the board of alcohol, drug addiction, and mental health services with which the provider seeks to contract under division (A)(8)(a) of section 340.03 of the Revised Code.

(B) Subject to section 5119.371 of the Revised Code, the director shall determine whether the services of an applicant satisfy the standards for certification of the services. If the director determines that a community mental health services provider's or a community addiction services provider's services satisfy the standards for certification and the provider has paid the fee required under division (D) of this section, the director shall certify the services. No community mental health services provider or community addiction services provider shall be eligible to receive state or federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services unless its services have been certified by the department.

(C) If the director determines that a community mental health services provider's or a community addiction services provider's services do not satisfy the standards for certification, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the provider and to the board of alcohol, drug addiction, and mental health services so that the board may assist the provider in satisfying the standards. The director shall give the provider a reasonable time within which to demonstrate that its services satisfy the standards or to bring the services into compliance with the standards. If the director concludes that the services continue to fail to satisfy the standards, the director may request that the



board reallocate any funds for the mental health or addiction services the provider was to provide to another community mental health or addiction services provider whose community mental health or community addiction services satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the services and allocate those funds directly to a community mental health or community addiction services provider whose services satisfy the standards.

(D) Each community mental health services provider or community addiction services provider seeking certification of its mental health or addiction services under this section shall pay a fee for the certification required by this section, unless the provider is exempt under rules adopted under division (E) of this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

(E) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Establish certification standards for mental health services and addiction services that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of services or the health and safety of persons receiving community mental health and addiction services. The standards shall address at a minimum all of the following:

- (a) Reporting major unusual incidents to the director;
- (b) Procedures for applicants for and persons receiving community mental health and addiction services to file grievances and complaints;
- (c) Seclusion;
- (d) Restraint;
- (e) Requirements regarding physical facilities of service delivery sites;



- (f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;
- (g) Standards for evaluating services;
- (h) Standards and procedures for granting full or conditional certification to a service provider;
- (i) Standards and procedures for revoking the certification of a provider's services that do not continue to meet the minimum standards established pursuant to this section;
- (j) The limitations to be placed on a provider that is granted conditional certification;
- (k) Development of written policies addressing the rights of persons receiving services, including all of the following:
 - (i) The right to a copy of the written policies addressing the rights of persons receiving services;
 - (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;
 - (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;
 - (iv) The right to have a client rights officer provided by the services provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.
- (2) Establish the process for certification of community mental health and addiction services;
- (3) Set the amount of certification review fees;
- (4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.



(F) The department shall maintain a current list of providers whose addiction services are certified by the department under division (B) of this section and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of certified addiction services shall identify each provider by its name, its address, and the county in which it is located.

(G) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made.