



Ohio Revised Code

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

Effective: September 29, 2015

Legislation: House Bill 64 - 131st General Assembly

(A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its mental health services or 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 applicant 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 applicant, may make the review, in cooperation with the board of alcohol, drug addiction, and mental health services for treatment or prevention services with which the applicant 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 a community mental health services provider applicant or community addiction services applicant satisfy the standards for certification of the services. If the director determines that an applicant's services satisfy the standards for certification and the applicant 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 for treatment or prevention services unless its services have been certified by the department.

(C) If the director determines that a community mental health services provider applicant's or a community addiction services provider applicant'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 applicant and to the board of alcohol, drug addiction, and mental health services so that the board may assist the applicant in satisfying the standards. The director shall give the applicant 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 applicant was to provide to another community mental health or addiction services provider whose mental health or 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 applicant or community addiction services provider applicant seeking certification of its addiction or mental health services under this section shall pay a fee for the certification required by this section, unless the applicant 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 addiction and mental health 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 addiction and mental health 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, probationary, and interim certification to a community mental health services provider applicant or community addiction services applicant;
- (i) Standards and procedures for revoking the certification of a community mental health or addiction services 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 probationary or interim 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 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 addiction and mental health 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 may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following:

(1) The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section;

(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

(G) The department shall maintain a current list of community addiction services providers 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 shall identify each provider by its name, its address, and the county in which it is located.

(H) 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.