

5122-24-01

Certification definitions.

(A) Purpose

The purpose of this rule is to provide definitions for key words and phrases used in the ~~department~~department's certification standards.

(B) Applicability

The following definitions apply to Chapters 5122-24 to 5122-29 of the Administrative Code:

- (1) "Abuse" means any act or absence of action inconsistent with human rights which results or could result in physical injury to a person served, unless the act is done in self defense or occurs by accident; any act which constitutes sexual activity, as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense against a person served under that chapter; insulting or coarse language or gestures directed toward a person served which subjects the person served to humiliation or degradation; or depriving a person served of real or personal property by fraudulent or illegal means. For children, ~~the definition of "abuse" is the same~~ as described in sectionssection 2919.22 ~~and 2151.031~~ of the Revised Code; "abused child" has the same meaning as in section 2151.031 of the Revised Code.
- (2) "Acceptability" means the way in which the provider ensures that its services and activities are sensitive to the individual needs of people, and that the provider addresses issues of freedom of choice, ~~and of~~as well as ethnic, racial, gender, and cultural characteristics. Acceptability includes seeking out the advice of people being served, or of populations who may not be receiving sufficient services as reflected by a comparison of community demographics and the demographics of persons served by the provider, in order to understand how acceptability varies within the general population.
- (3) "Accessibility" means the ability for persons served to enter, approach, communicate with, or make use of the services of a provider, including but not limited to the need for bilingual staff, minority-specific programming, staffing patterns that reflect community demographics and adequacy of hours of operation.
- (4) "Activity" means an action performed by a provider that does not constitute a mental health or addiction service as defined in paragraph (B)(66) of this rule, and therefore does not have a cost per unit, but that is reimbursable by the department, either as an activity, e.g., research, or as a portion of the unit cost of services, e.g., administrative.

- (5) "Administer" means the direct application of a single drug to the body of a client either by injection, inhalation, ingestion or any other means. The complete act of administration entails the following:
 - (a) Removal of an individual dose from a previously dispensed, properly labeled container;
 - (b) Verification of drug dose with the practitioner's order;
 - (c) Properly identifying the client before giving the individual dose; and
 - (d) Properly recording the time, date, and dose given in the client's integrated clinical record.
- (6) "Administrative supervision" means to monitor the administrative aspects of a service or group of services within a provider.
- (7) "Admission" means a provider's decision to offer direct services to a person, and includes opening an individual client record for the person at the time of the first admission to the provider.
- (8) "Appropriateness" means actions, treatment or service that promote empowerment, dignity, and self-worth as defined by the person served in consultation with the individuals providing the service.
- (9) "Board of alcohol, drug addiction, and mental health services" or "board" ~~means the body constituted according to section 340.02 of the Revised Code, or a community mental health board or an alcohol and drug addiction services board as described in section 340.021 of the Revised Code; which have the same duties as described in section 340.03 of the Revised Code,~~ has the same meaning as in section 5119.90 of the Revised Code.
- (10) "Certificate" means the official document containing the department's written authorization to the provider to operate specific services or activities. These services and activities are those ~~which~~ that are included in the provider's contract or sub-contract with the board of alcohol, drug addiction, and mental health services or for which a non-contract provider has voluntarily applied to operate.
- (11) "Certification" means the written authorization from the department for a provider to operate specific services and provide activities according to

Chapters 5122-24 to 5122-29 of the Administrative Code. These services and activities are those ~~which~~that are included in the provider's contract or sub-contract with the board of alcohol, drug addiction, and mental health services or for which a non-contract provider has voluntarily applied to operate.

(12) "Certification standards" means the requirements as stated in Chapters 5122-24 to 5122-29 of the Administrative Code with which a provider must comply in order to receive certification by the department to provide mental health or addiction services and activities ~~listed~~specified in section 340.09 of the Revised Code. These services and activities are those which are included in the provider's contract with the Ohio department of medicaid, the provider's contract or sub-contract with the board of alcohol, drug addiction, and mental health services, or for which a non-contract provider has voluntarily applied to operate.

(13) "Client" means a person admitted by a provider for mental health or addiction services or who receives mental health or addiction services from a provider. "Persons," "~~Persons Receiving Services~~persons receiving services," "~~Persons Being Served~~persons being served," "~~Persons Served~~persons served", or "~~Consumer~~consumer" ~~has~~have the same meaning as "client." The terms include all categories of persons of all ages, unless specified.

(14) "Community behavioral health services provider" means a community addiction services or community mental health services provider, or both, as defined in section 5119.01 of the Revised Code.

~~(14)~~(15) "Community support system" means an array of services and activities that provides treatment, support, and rehabilitation services according to division (A)(2) of section 340.011 of the Revised Code. This array includes all of the following:

- (a) Location of persons in need of mental health or addiction services to inform them of available services and ~~benefits~~benefit mechanisms;
- (b) Assistance for clients to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income;
- (c) Mental health or addiction care, including, but not limited to outpatient, day treatment, and, where appropriate, inpatient care;

- (d) Emergency services and crisis intervention;
- (e) Assistance for clients to obtain vocational services and opportunities for jobs;
- (f) Provision of services designed to develop social, community, and personal living skills;
- (g) Access to a wide range of housing and the provision of residential treatment and support;
- (h) Support, assistance, consultation, and education for families, friends, consumers of mental health and addiction services, and others;
- (i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health or addiction services;
- (j) Grievance procedures and protection of the rights of consumers of mental health and addiction services; and
- (k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.

~~(15)~~(16) "Consent" means agreement to participate in a research or treatment procedure on the basis of the subject's understanding of its nature and possible risks and benefits.

~~(16)~~(17) "Crisis" means a situation with a high stress level, for either an individual or a system, and where usual coping methods do not succeed in resolving the issues presented by the precipitating event. A crisis is usually short in duration, lasting less than eight to twelve weeks.

~~(17)~~(18) "Culturological assessment" means the systematic appraisal or examination of individuals, groups and communities as to their cultural beliefs, values and practices to determine explicit needs and intervention practices within the cultural context of the people being evaluated, ~~and~~. "Cultural assessment" includes all of the following domains:

- (a) Patterns of life style;
- (b) Specific cultural values/norms;
- (c) Cultural taboos/myths;
- (d) Worldview and ethnocentric tendencies;
- (e) General features that client perceives similar to other cultures;
- (f) Health and life care rituals and rites of passage to maintain health;
- (g) Folk and professional health/illness systems utilized;
- (h) Degree of cultural change and acculturation noted;
- (i) Caring behaviors;
- (j) Cultural restrictions;
- (k) Spiritual needs; and
- (l) Family

~~(18)~~(19) "Department" or "OhioMHAS" means the Ohio department of mental health and addiction services.

~~(19)~~(20) "Destruction" means the act of making a drug unusable.

~~(20)~~(21) "Director" means the chief executive and administrative officer of the Ohio department of mental health and addiction services.

~~(21)~~(22) "Dispense" has the same meaning as ~~defined~~ in ~~paragraph (B) of rule 4729-5-01~~4729:1-1-01 of the Administrative Code. Only those individuals authorized by the Ohio board of pharmacy may dispense medications.

~~(22)~~(23) "Distribute" means the general system of moving drugs from a supplier to final destination, whether administered to a person served, stored, returned to supplier, or destroyed.

- ~~(23)~~(24) "Emergency" means a situation that is a matter of life or death or of extreme drastic loss of a person's ability to manage a potentially dangerous situation where the goal is avoidance of loss and minimization of risks.
- ~~(24)~~(25) "Executive director" means the individual responsible for the day-to-day operation of a provider. The executive director, as defined by this paragraph, may be referred to by other titles, such as "chief executive officer."
- ~~(25)~~(26) "Grievance" means a formal request for further review of any unresolved written complaint or a complaint containing allegations of the denial, exercise, or violation of the rights of persons served. A grievance may be initiated either verbally or in writing by a person served, client, ex-client, or any other person or provider acting on behalf of a person served.
- ~~(26)~~(27) "Hazardous materials" means any substance considered to be potentially harmful to humans, including, but not limited to, toxic chemicals or flammable substances.
- ~~(27)~~(28) "ICR" means individual client record as described in Chapter 5122-27 of the Administrative Code.
- ~~(28)~~(29) "Intervention" means a procedure that is intended to produce a change in behavior, cognition, and/or physiological or biochemical process.
- ~~(29)~~(30) "ITP" means an individualized treatment plan as described in rule 5122-27-03 of the Administrative Code.
- ~~(30)~~(31) "Misconduct" means any act that may affect, interrupt, or interfere with the performance of official duties and that is illegal or a wrongful performance or omission of a legal duty.
- ~~(31)~~(32) "Neglect" means a purposeful or negligent disregard of duty by an employee or staff member. Such duty is one that is imposed on an employee or staff member by statute, rule, or professional standards and which is owed to the person served by that employee or staff member.
- ~~(32)~~(33) "Orientation" means a process designed to improve or enhance an employee's knowledge about his or her job responsibilities and physical environment to increase awareness of the expectations, choices, resources, and constraints that affect job performance and adjustment.

~~(33)~~(34) "Outcomes" means the impact on the system or person served.

~~(34)~~(35) "Parent" means the parent(s) having legal custody or the custodian for a minor.

~~(35)~~(36) "Person with serious emotional disturbance" means a person less who is under twenty-one years of age who meets criteria that is a combination of duration of impairment, intensity of impairment, and diagnosis.

(a) Criteria:

(i) Under twenty-one years of age;

(ii) Marked to severe emotional/behavioral impairment;

(iii) Impairment that seriously disrupts family or interpersonal relationships; and

(iv) May require the services of other youth-serving systems (e.g., education, human services, juvenile court, health, intellectual disabilities, youth services, and others).

(b) Marked-to-severe behavioral impairment is defined as impairment that is at or greater than the level implied by any of the following criteria in most social areas of functioning:

(i) Inability or unwillingness to cooperate or participate in self-care activities;

(ii) Suicidal preoccupation or rumination with or without lethal intent;

(iii) School refusal and other anxieties or more severe withdrawal and isolation;

(iv) Obsessive rituals, frequent anxiety attacks, or major conversion symptoms;

(v) Frequent episodes of aggressive or other antisocial behavior, either mild with some preservation in social relationships or more severe requiring considerable constant supervision; ~~and~~or

(vi) Impairment so severe as to preclude observation of social functioning or assessment of symptoms related to anxiety (e.g., severe depression or psychosis).

(c) An impairment that seriously disrupts family or interpersonal relationships is defined as one:

(i) Requiring assistance or intervention by police, courts, educational system, mental health system, social service, human services, and/or children's services;

(ii) Preventing participation in age-appropriate activities;

(iii) In which community (home, school, peers) is unable to tolerate behavior; or

(iv) In which behavior is life-threatening (e.g., suicidal, homicidal, or otherwise potentially able to cause serious injury to self or others).

~~(36)~~(37) ~~"Person with severe mental disability"~~ or ~~"person with serious mental illness"~~ means a person, age eighteen and over, who currently, or at any time during the past year, has had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria, that has resulted in functional impairment which substantially interferes with or limits one or more major life activities. Major life activities include activities of daily living such as eating, bathing, or dressing; instrumental activities of daily living, such as ~~maintain~~maintaining a household, managing money, getting around the community, or taking prescribed medications; or ~~function~~functioning in social, family, or vocational/educational contexts."

~~(37)~~(38) "Physician" (DO or MD) means ~~the same as "medical doctor" and "doctor of osteopathic medicine"~~ a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery."

~~(38)~~(39) "Plan" means a written document related to a service or activity that describes goals and objectives, assigns responsibility for implementation, establishes outcome measures, and assigns responsibility for monitoring and reporting results.

~~(39)~~(40) "Policy" means a written statement developed by a provider that gives specific direction regarding how the provider intends to operate, either administratively or programmatically. Policies are developed to ensure that provider staff perform their duties in a consistent manner and that the public can expect that all services and activities will be conducted according to the policy statement.

~~(40)~~(41) "Practitioner" means a person eligible to provide a service in accordance with Chapter 5122-29 of the Administrative Code.

~~(41)~~(42) "Prescribe" means the professional judgment of selecting a specific drug, dosage, and schedule of administration appropriate to the therapeutic needs of a person served.

~~(42)~~(43) "Principal" means a person who has controlling authority or is in a leading position; (e.g., executive director, chief financial officer, or chief clinical officer); ~~a. A~~ principal may also be an owner, partner, or member of the governing body of the provider.

~~(43)~~(44) "PRN order" (pro re nata order) means a written practitioner's order for a medication, treatment, or procedure which is only carried out when a person served manifests a specific, previously defined clinical or behavioral characteristic.

~~(44)~~(45) "Procedure" means a written set of instructions describing the step-by-step actions to be taken by provider staff in implementing the policies of the provider.

~~(45)~~(46) "Provider" means all of the following:

(a) ~~Any~~A community addiction services provider or community mental health services provider certified by the department to provide one or more of the department's certifiable services and supports pursuant to section 5119.36 of the Revised Code.

(b) ~~Any~~A board of alcohol, drug addiction, and mental health services that is, under section 340.037 of the Revised Code, approved by the ~~department in accordance with section 340.037 of the Revised Code~~director to provide any ~~of the~~ mental health or addiction ~~services listed~~service specified in ~~section 340.09~~Chapter 5122-29 of the ~~Revised~~Administrative Code, ~~or any board of alcohol, drug addiction, and mental health services determined by the department to be~~

~~providing a service subject to department approval~~ in an emergency situation and in accordance with that section; or;

(c) ~~Any~~ A residential facility licensed ~~aeording to~~ in accordance with section 5119.34 of the Revised Code that provides any of the mental health services ~~listed~~ specified in Chapter 5122-29 of the Administrative Code.

~~(46)~~ (47) "Psychiatrist" (DO or MD) means ~~an individual who holds a current valid license to practice medicine according to section 4731. of the Revised Code, issued by the state medical board,~~ a physician who has satisfactorily completed a residency training program in psychiatry ~~as~~ approved by the residency review committee of the accreditation council for graduate medical education of the American medical association, the committee on postgraduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry; ~~or; a physician who has been recognized as of July 1, 1989, as a psychiatrist by the Ohio medical association or Ohio osteopathic association;~~ on the basis of formal training and five or more years of medical practice limited to psychiatry; ~~or who is a licensed~~ licensed physician working under a temporary license and completing a residency in psychiatry.

~~(47)~~ (48) "Recovery" means the personal process of change in which Ohio residents strive to improve their health and wellness, resiliency, and reach their full potential through self-directed actions

~~(48)~~ (49) "Referral" means a recommendation to seek or request services and/or evaluation between agencies in order to assess or meet the needs of persons served. "Referral," as used in "information and referral service,"; means the act of assisting an individual gain access to services of a community provider.

~~(49)~~ (50) "Resiliency" means a dynamic process which takes into account the interaction of risk and protective factors, contextual conditions, as well as the individual's traits and abilities.

~~(50)~~ (51) "Self-administration" means a person taking medication independently.

~~(51)~~ (52) "Service" means any action named and defined in Chapter 5122-29 of the Administrative Code as a mental health or addiction service provided for persons served by the provider and their families and significant others, community organizations, and the general public for the purpose of treating or preventing mental illness, emotional disturbance, or substance abuse.

- (52)(53) "Significant others" means individuals who are significant and important to the well-being of a person served, as identified by the person served.
- (53)(54) "Standard" means a stated level of performance for a service or activity expressed as an accepted and adhered-to practice in the mental health or addiction service system.
- (54)(55) "Stock supply" means a volume of medications that are not dispensed, or not labeled with the specific name of a person served, and has the same meaning as "limited stock supply".
- (55)(56) "Student" means an individual enrolled in an an approved, certified, or accredited educational program ~~that is approved, certified or accredited~~, and who may provide mental health or addiction services as part of his/her his or her practicum, internship, or field placement, and with appropriate supervision according to the requirements of the educational institution, applicable licensing board standards, and in coordination with applicable provider policies and procedures.
- (56)(57) "Supervise" means to monitor, instruct and be accountable for provider staff in their performance of clinical services to persons served according to the policies of the provider, and has the same meaning as "clinical supervision."
- (57)(58) "Termination" means the decision to no longer provide services to a person served by the provider.
- (58)(59) "Transfer" means a provider's recommendation to discontinue providing one or more services to a person and to begin providing another service(s) in the same provider.
- (59)(60) "Variance" means written permission granted by the department to a provider to meet a modified requirement of a rule of the Administrative Code.
- (60)(61) "Waiver" means written permission granted by the department to a provider to be exempted from a rule or specific provision of a rule of the Administrative Code.