



Mike DeWine, Governor
Lori Criss, Director, OhioMHAS

House Bill 33

Statutory Changes to OhioMHAS Licensure & Certification Requirements for Providers

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Purpose of Statutory Changes

- To ensure community behavioral health services providers* are offering quality services and protecting consumers
 - *"Community behavioral health services provider" means a community addiction services provider or community mental health services provider as defined in ORC 5119.01
- To ensure community behavioral health services providers are fiscally sound
- To better promote the safety and well-being of people served by OhioMHAS-regulated hospitals, residential facilities, and community behavioral health services providers
- To provide additional information to ADAMH Boards to ensure they can make informed decisions regarding contracting and funding of OhioMHAS-regulated hospitals, residential facilities, and community behavioral health services providers

New Provider Requirements Effective October 3, 2023

New Provider (definition) – a provider who applies for licensure or certification on or after October 3, 2023, or a provider who does not hold OhioMHAS licensure or certification prior to October 3, 2023

New Provider: Staffing & Equipment

Who is Impacted

- ORC 5119.33 - Private Psychiatric Providers
- ORC 5119.34 - Residential Facility Operators
- ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

New providers seeking licensure or certification will be sufficiently staffed and equipped to operate and provide services.



New Provider: Adverse Action

Who is Impacted

- ORC 5119.33 - Private Psychiatric Providers
- ORC 5119.34 - Residential Facility Operators
- ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

- Applicant/owner/principal has not been the subject of an adverse action during the three-year period immediately preceding the date of application including out-of-state adverse action.
- Applicant/owner/principal will disclose to OhioMHAS an adverse action occurring after the provider is licensed/certified in Ohio.



New Provider: Adverse Action

Adverse Action (definition)*– state, provincial, federal, or other licensing or regulatory authority takes action to deny, revoke, suspend, place on probation, or otherwise restrict a license, certification or other approval to provide services.

* ORC Sections:

- 5119.334 - applicable to private psychiatric hospitals;
- 5119.343 - applicable to residential facilities;
- 5119.367 - applicable to community behavioral health service providers

New Provider: Community Mental Health Services Provider

Who is Impacted

ORC 5119.35 - Community
Mental Health Services
Providers

Statutory Requirement

A community mental health
services provider will be
required to be certified.

This statutory change aligns the requirements for community mental health services providers with the current requirements for community addiction services providers. Collectively, the two provider types are identified as “community behavioral health services providers.”



New Provider: National Accreditation

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

A community behavioral health services provider must be accredited by one or more of the following national accrediting organizations:

- TJC
- CARF
- COA
- Or other national accrediting body that the OhioMHAS Director considers appropriate.



New Provider: ADAMH Board Notification Action

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

OhioMHAS is required to notify the ADAMH Board(s) when a community behavioral health services provider:

- Submits an initial application (will notify the board where the services will be provided)
- If the ADAMH Board requests, OhioMHAS will send a copy of the application



Current Provider Requirements Effective October 3, 2023*

Current Provider (definition) – a provider who has submitted an application for licensure/certification prior to October 3, 2023, or a provider who currently holds OhioMHAS licensure or certification prior to October 3, 2023

**Unless otherwise noted*

Current Provider: Staffing & Equipment

Who is Impacted

- ORC 5119.33 - Private Psychiatric Providers
- ORC 5119.34 - Residential Facility Operators
- ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

Current providers seeking renewal licensure or certification will be sufficiently staffed and equipped to operate and provide services.



Current Provider: Adverse Action*

Who is Impacted

- ORC 5119.33 - Private Psychiatric Providers
- ORC 5119.34 - Residential Facility Operators
- ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

- Applicant/owner/principal has not been the subject of an adverse action during the three-year period immediately preceding the date of renewal application including out-of-state adverse action.
- Applicant/owner/principal will disclose to OhioMHAS an adverse action occurring while the provider is licensed/certified in Ohio.

**Defined in ORC 5119.334, 5119.343, and 5119.367*



Current Provider: Community Mental Health Services Provider

Who is Impacted

ORC 5119.35 - Community
Mental Health Services
Providers

Statutory Requirement

A community mental health
services provider will be
required to be certified.

This statutory change aligns the requirements for community mental health services providers with the current requirements for community addiction services providers. Collectively, the two provider types are identified as “community behavioral health services providers.”



Current Provider: National Accreditation

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

At the first renewal, on or after October 1, 2025, a community behavioral health services provider who is currently OhioMHAS certified will need to hold national accreditation.





Certified Services

National Accreditation Required	National Accreditation Optional	Ohio Specific Service <i>OhioMHAS will not recognize National Accreditation</i>	Under Department Review
General services	Prevention	Forensic Evaluation	Driver Intervention Program
Mental health day treatment		Consultation	Mobile Response & Stabilization Service
Behavioral health hotline		Referral & Information	Peer Recovery Services
Residential and withdrawal management, substance use disorder services		Supplemental Behavioral Health	Peer Run Organization
Crisis intervention			
Employment service			
SUD case management			
Community psychiatric supportive treatment			
Therapeutic behavioral services & psychosocial rehabilitation			
Intensive home-based treatment			
Assertive community treatment			
SUD, Qualified residential treatment program (QRTP) for youth*			
Qualified Residential Treatment Program*			

*NOTE: Program must hold youth residential national accreditation

Current Provider: ADAMH Board Notification Action

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

OhioMHAS is required to notify the ADAMH Board(s) when a community behavioral health services provider:

- Submits an initial or renewal application (will notify the Board where the services will be provided)
- If the ADAMH Board requests, OhioMHAS will send a copy of the application



Current Provider: ADAMH Board Notification Action

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

OhioMHAS is required to notify the ADAMH Board(s) when a community behavioral health services provider's certification ceases to be valid for any reason, including failure to timely renew, a surrender of certification, or issuance of a final order for disciplinary action.



Current Provider: ADAMH Board Notification Action

Who is Impacted

ORC 5119.36 - Community
Behavioral Health Services Providers

Statutory Requirement

If the OhioMHAS Director proposes to take disciplinary action against a community behavioral health services provider, the OhioMHAS Director must notify the Board serving the ADAMH district in which certifiable services and supports will be or were provided and give the board an opportunity to respond.



Current Provider: ADAMH Board & Complaint

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

Upon request of an ADAMH Board, OhioMHAS must investigate a community behavioral health services provider within 10 days of the request.



Current Provider: Cost Reports

Who is Impacted

ORC 5119.36 - Community Behavioral Health Services Providers

Statutory Requirement

Authorizes the OhioMHAS Director to require a community behavioral health services provider to submit cost reports.



Current Provider: Reporting Statistical Information

Who is Impacted

ORC 5119.61 - Community Behavioral Health Services Providers

Statutory Requirement

Authorizes OhioMHAS to levy a fine against a community behavioral health services provider that fails to provide statistical information to OhioMHAS.



Community Behavioral Health Services Certification Exemptions

Current exemptions from the statutory certification requirement include:

- An individual who holds a license, certificate, or registration issued by an Ohio professional licensing agency authorizing the practice of a health care profession that includes the performance of any OhioMHAS certifiable service, regardless of whether the service is performed as part of a sole proprietorship, partnership, or group practice.
- An individual who provides any service that is required to be certified as described in ORC 5119.35 as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the OhioMHAS Director.



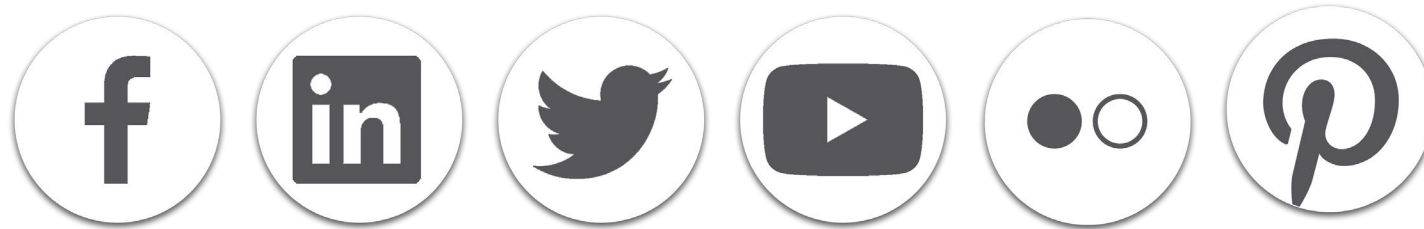
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Questions and Answers

Thank You



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