



Changes to OhioMHAS Licensure and Certification Requirements Per House Bill 33 for Current Providers

NOTES: 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.

In this chart, “community behavioral health services provider” means a community addiction services provider or community mental health services provider as defined in [ORC 5119.01](#).

Section of ORC	Policy Change	Implications to Stakeholders	Rationale	Providers Impacted	Effective Date
5119.33	Private psychiatric hospitals shall not be licensed unless they have adequate staff and equipment to operate. In addition, they cannot be the subject of an adverse action within the 3-year period immediately preceding the date of application.	A private psychiatric hospital may not be licensed unless it is able to meet this new criteria in addition to existing criteria.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure private psychiatric hospitals are adequately staffed and equipped and that hospitals that have been the subject of disciplinary action in Ohio or other jurisdictions are not able to open facilities without first disclosing such disciplinary action.	Private Psychiatric Hospitals	10/03/2023
5119.334	Defines “adverse action” for purposes of private psychiatric hospitals: an action by a state, provincial, federal, or other licensing or regulatory authority to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a hospital or practice a health care profession.	Requires a hospital, when submitting an application for initial or renewal licensure, to notify OhioMHAS of any adverse action taken against the hospital or the hospital’s owner, sponsor, medical director, administrator, or any of its principals within the 3-year period immediately preceding the date of application. Requires an applicant to notify OhioMHAS within 7 days after receiving a notice of adverse action from a licensing or regulatory authority (other than OhioMHAS) and to provide a copy of the notice to OhioMHAS.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure private psychiatric hospitals that are or have been the subject of disciplinary action in Ohio or other jurisdictions are not able to open facilities without first disclosing such disciplinary action.	Private Psychiatric Hospitals	10/03/2023
5119.34	OhioMHAS may only license a residential facility to operate if the facility is managed and operated by qualified persons and is adequately staffed and equipped to operate. In addition, the facility cannot be the subject of an adverse action within the 3-year period immediately preceding the date of application.	A residential facility may not be licensed unless it is able to meet this new criteria in addition to existing criteria.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure residential facilities are adequately staffed and equipped and that facilities that are or have been the subject of disciplinary action in Ohio or other jurisdictions are not able to open without first disclosing such disciplinary action.	Residential Facility Operators	10/03/2023

Section of ORC	Policy Change	Implications to Stakeholders	Rationale	Providers Impacted	Effective Date
5119.343	Defines “adverse action” for purposes of residential facilities: an action by a state, provincial, federal, or other licensing or regulatory authority to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a residential facility or practice a health care profession.	Requires a residential facility, when submitting an application for initial or renewal licensure, to notify OhioMHAS of any adverse action taken against the facility or the facility’s owner, operator, or manager within the 3-year period immediately preceding the date of application. Requires an applicant to notify OhioMHAS within 7 days after receiving a notice of adverse action from a licensing or regulatory authority (other than OhioMHAS) and to provide a copy of the notice to OhioMHAS.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure facilities that are or have been the subject of disciplinary action in Ohio or other jurisdictions are not able to open without first disclosing such disciplinary action.	Residential Facility Operators	10/03/2023
5119.35	Prohibits, subject to two exceptions, a community behavioral health services provider from delivering a mental health or addiction service unless the service has been certified by OhioMHAS.	OhioMHAS may request that the Attorney General seek an injunction to stop the provider from providing the service. (Maintains the pre-existing prohibition on providers receiving state, federal, or local funds unless they have been certified by OhioMHAS.)	This change aligns the requirements for community mental health service providers with the current certification requirements for community addiction services providers.	Community Behavioral Health Services Providers	10/03/2023
5119.36	Requires a community behavioral health services provider who submits a renewal application for certification of services to be nationally accredited for those services by The Joint Commission, The Commission on Accreditation of Rehabilitation Facilities, The Council on Accreditation, or another national accreditation organization the OhioMHAS Director considers appropriate if OhioMHAS determines that national accreditation for such services exist.	Promotes the safety and well-being of people served by OhioMHAS-regulated providers.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure community behavioral health services providers are providing high quality services.	Community Behavioral Health Services Providers	10/01/2025
5119.36	Requires a community behavioral health services provider to notify the OhioMHAS Director not later than 10 days after any change in the provider’s accreditation status.	Requires providers to give OhioMHAS notice under certain circumstances.	As the regulatory agency, OhioMHAS has a consumer protection obligation to stay informed regarding a provider’s accreditation status.	Community Behavioral Health Services Providers	10/03/2023
5119.36	Upon receipt of an initial or renewal application for certified services, requires OhioMHAS to notify the ADAMH board where the services will be provided of that fact. If the Board requests, OhioMHAS must send the board a copy of the application.	If requested, the community behavioral health services provider’s application and materials must be shared with the ADAMH board.	This change is meant to provide additional information to ADAMH boards so they are able to make informed decisions regarding contracting and funding for their regions.	Community Behavioral Health Services Providers	10/03/2023

Section of ORC	Policy Change	Implications to Stakeholders	Rationale	Providers Impacted	Effective Date
5119.36	Requires OhioMHAS to notify the ADAMH board 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.	Modifies the information OhioMHAS must share with an ADAMH board as it relates to the described activities.	This change is meant to provide additional information to ADAMH boards so they are able to make informed decisions regarding contracting and funding for their regions.	Community Behavioral Health Services Providers	10/03/2023
5119.36	Prior to certification, a community behavioral health services provider must show that it has adequate staff and equipment to provide the certifiable services and supports. In addition, neither the applicant, nor any owner or principal of the applicant, may be or have been the subject of an adverse action during the 3-year period immediately preceding the date of application.	A community behavioral health services provider may not have its services or supports certified unless it is able to meet this new criteria in addition to existing criteria.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure community behavioral health services providers are adequately staffed and equipped and are not or have not been the subject of disciplinary action in Ohio or other jurisdictions without first disclosing such disciplinary action.	Community Behavioral Health Services Providers	10/03/2023
5119.36	Authorizes the OhioMHAS Director to require a community behavioral health services provider to submit cost reports.	Maintains this pre-existing authority the Director has had with deemed community behavioral health services providers.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure community behavioral health services providers are fiscally sound.	Community Behavioral Health Services Providers	10/03/2023
5119.36	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.	Provides ADAMH boards additional information to be used in local decision making.	The change is meant to provide additional information to ADAMH boards so they are able to make informed decisions regarding contracting and funding for their regions.	Community Behavioral Health Services Providers	10/03/2023
5119.36	Upon request of an ADAMH board, OhioMHAS must investigate a community behavioral health services provider within 10 days of the request.	Provides ADAMH boards additional information to be used in local decision making.	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure community behavioral health services providers are providing high quality services.	Community Behavioral Health Services Providers	10/03/2023

Section of ORC	Policy Change	Implications to Stakeholders	Rationale	Providers Impacted	Effective Date
5119.367	Defines “adverse action” for purposes of community behavioral health services providers: an action by a state, provincial, federal, or other licensing or regulatory authority to deny, revoke, suspend, place on probation, or otherwise restrict a license, certification, or other approval to provide certifiable services and supports or an equivalent to certifiable services and supports.	<p>Requires a community behavioral health services provider, when submitting an application for initial or renewal certification, to notify OhioMHAS of any adverse action taken against the applicant or any owner or principal of the applicant within the 3-year period immediately preceding the date of application.</p> <p>Requires an applicant to notify OhioMHAS within 7 days after receiving a notice of adverse action from a licensing or regulatory authority (other than OhioMHAS) and to provide a copy of the notice to OhioMHAS.</p>	As the regulatory agency, OhioMHAS has a consumer protection obligation to ensure community behavioral health services providers that are or have been the subject of disciplinary action in Ohio or other jurisdictions are not able to provide services without first disclosing such disciplinary action.	Community Behavioral Health Services Providers	10/03/2023
5119.61	Authorizes OhioMHAS to levy a fine against a community behavioral health service provider that fails to provide statistical information to OhioMHAS.	Creates a financial incentive to comply with regulatory statistical data reporting.	This change modifies current law to allow OhioMHAS to issue a fine rather than impose a criminal penalty for failure to provide statistical information to OhioMHAS while still emphasizing the importance of providing this information.	Community Behavioral Health Services Providers	10/03/2023
5119.99	Eliminates the criminal penalty associated with community addiction services providers providing certain addiction services without OhioMHAS certification.	A community addiction services provider will no longer be subject to a criminal penalty for such a violation. However, the OhioMHAS Director may seek an injunction to stop a community behavioral health services provider from providing a certifiable service without OhioMHAS certification.	This change modifies current law to allow OhioMHAS to seek an injunction rather than impose a criminal penalty.	Community Behavioral Health Services Providers	10/03/2023