

Publications

Health Care Alert: OMHAS Reopening Guidance Requires Universal Screenings, New and Updated Policies and Procedures

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The Ohio Department of Mental Health and Addiction Services (OMHAS) has published guidance for behavioral health providers preparing to restart in-person services, which (among other things) outlines a variety of policies and procedures that providers should have in place. Providers should note that the guidance may inform enforcement of existing OMHAS rules, such as the requirement to maintain a “clean, safe, [and] appropriate environment.”^[1] Additionally, because the guidance incorporates a number of publications from other state and federal agencies, it is reasonable to conclude that these materials may be used (at least in part) to establish the applicable standard of care in providing in-person services.

The new guidance describes the following eight “Steps to Consider for Reopening”:

- Develop appropriate educational materials and a plan for dissemination;
- Develop an Infectious Disease Preparedness and Response Plan;
- Develop a policy on Workplace Flexibilities and Protections;
- Develop a policy on Workplace Controls and Safe Work Practices;
- Develop a policy on Programming Implementation;
- Develop a policy on effective use of funding and resources;
- Update policies for inpatient, residential, and housing programs; and
- Develop a plan for employee support.

For each of these steps, the guidance lays out key questions for consideration, such as, “What educational materials regarding COVID-19 are visible within your organization?” and “What measurements will you monitor regarding successful implementation of an Infectious Disease Plan?” In most areas, OMHAS appears to leave the details of implementation to providers, who will also need to monitor and reconcile current guidance from other state and federal agencies. In particular, providers will need to consider their obligations under state and federal employment laws, as well as public and/or

private reimbursement requirements, as applicable. (Brief updates from the Vorys team regarding regulatory developments that may impact your organization are available [here](#).)

Importantly, the guidance addresses screening obligations more specifically, stating that providers should “[s]creen everyone” (including staff, visitors, vendors, and clients) in an area that “offers social distancing and privacy for the screening, perhaps outdoors.” The guidance further states that a person who screens as potentially exposed to or symptomatic of COVID-19 should not be allowed to enter the facility until cleared by a qualified healthcare provider to return, and that a provider should review its screening procedures on a weekly basis to confirm their alignment with updated state and federal guidance.

The new OMHAS guidance for reopening is available in full [here](#).

If you have questions about the guidance or would like assistance preparing or updating your policies and procedures, please contact Suzanne Scrutton, Liam Gruz, or your regular Vorys attorney.

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VORYS COVID-19 TASK FORCE

Vorys has established a comprehensive COVID-19 Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at vorys.com/coronavirus.

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[1] See O.A.C. § 5122-26-12.