



## Ohio Administrative Code

### Rule 5120-17-01 Establishment of a community-based substance use disorder treatment program and minimum criteria defining eligibility.

Effective: March 22, 2021

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(A) Section 5120.035 of the Revised Code requires the department of rehabilitation and correction to establish and operate a community-based substance use disorder treatment program for eligible prisoners. The purpose of this program is to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for eligible prisoners while preparing them for reentry into the community.

(B) A prisoner transferred into the community-based substance use disorder treatment program shall continue to serve his or her prison term in the facility of a community treatment provider. A community treatment provider must be licensed pursuant to division (C) of section 2967.14 of the Revised Code and must be certified by the department of mental health and addiction services under section 5119.36 of the Revised Code to provide substance use disorder treatment. The community treatment provider shall, at a minimum, provide substance use disorder assessment and treatment services in accordance with standards created and certified by the department of mental health and addiction services. A prisoner placed in the community-based substance use disorder treatment program shall earn days of credit under section 2967.193 of the Revised Code for time spent in the program.

(C) A prisoner transferred into the community-based substance use disorder treatment program shall retain the status of imprisoned under a sentence imposed for a criminal offense. The prisoner shall remain at the community treatment provider facility at all times unless authorized to leave. If authorized to leave, the prisoner is required to return at the designated time. Leaving without authorization or failure to return at the designated time shall be considered an escape pursuant to section 2921.34 of the Revised Code and the department of rehabilitation and correction may declare the prisoner to be an escapee, stop the running of his or her sentence and request prosecution.

(D) The department of rehabilitation and correction may permit the prisoner to leave the community treatment provider facility to which he or she is assigned for approved activities. If the prisoner



demonstrates satisfactory participation in the program, the department of rehabilitation and correction may, pursuant to division (C)(3) of section 5120.035 of the Revised Code and pursuant to rule 5120-17-04 of the Administrative Code, permit the prisoner to reside in the community at a residence approved by the community treatment provider or adult parole authority if it is determined that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. Prisoners permitted to reside in the community at an approved residence shall be monitored by an electronic monitoring device.

(E) In order to be eligible for transfer into the community-based substance use disorder treatment program, a prisoner must meet all of the following minimum criteria:

(1) The prisoner is confined in state correctional institution solely under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence.

(2) The prisoner has not previously been convicted of or pleaded guilty to a felony offense of violence. and, within the preceding five years, has not been convicted of or pleaded guilty to a misdemeanor offense of violence.

(3) It has been determined that the person has a substance use disorder using a standardized assessment tool.

(4) The prisoner has not more than twelve months remaining until expiration of the prisoner's stated prison term.

(5) The prisoner is eighteen years of age or older.

(6) As determined by the department of rehabilitation and correction, the prisoner does not show signs of drug or alcohol withdrawal, does not require medical detoxification, and is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program.

(7) The prisoner's prison term was imposed by the court on or after July 1, 2015.



(8) The prisoner shall not have a designated security level of level 3 or above unless otherwise approved by the department of rehabilitation and correction.

(9) The prisoner shall not be currently confined in any institution control status as a result of any disciplinary action.

(10) The prisoner shall not be subject to a detainer for any sentence of imprisonment imposed but not fully served, for any post-release control, parole, or probation violation, or be subject to a wanted detainer or a notify detainer for any untried felony charge or for any U.S. immigration action.

(11) The prisoner shall not have any past or current convictions for a violation of any sex offense included in Chapter 2907. of the Revised Code, except for convictions for solicitation under section 2907.04 of the Revised Code and prostitution under section 2907.25 of the Revised Code.

(12) The prisoner has not, during the current prison term, been transferred into the treatment program and been removed from the program for failing to satisfactorily participate in the program or due to a violation pursuant to paragraph (A)(7) of rule 5120-17-08 of the Administrative Code. A removal from the program during a previous prison term shall not disqualify the prisoner from participation in the program during the current or future prison terms.

(13) The prisoner shall not have any past or current convictions for conspiracy under section 2923.01 of the Revised Code, attempt under section 2923.02 of the Revised Code, or complicity under section 2923.03 of the Revised Code, where the underlying offenses are prohibited by this rule.