



Ohio Administrative Code

Rule 5122-32-01 Designated forensic evaluation centers.

Effective: December 20, 2021

(A) The purpose of this rule is to establish standards regulating the eligibility and accountability requirements for state funding to designated forensic evaluation centers to provide forensic evaluation services to the general division of courts of common pleas for:

(1) Adults; or,

(2) Juveniles whose cases have been transferred in accordance with sections 2152.10 and 2152.12 of the Revised Code.

(B) The provisions of this rule are applicable to each provider that is a designated forensic evaluation center and receives 4224C funds from the department. The funds are to be expended only for the evaluations and activities identified in the department community allocation guidelines.

(C) As used throughout this rule, the following definitions shall apply:

(1) "Provider" means a community addiction services provider or community mental health services provider as defined in section 5119.01 of the Revised Code or a designated forensic evaluation center as defined by paragraph (C)(3) of this rule.

(2) "Board" has the same meaning as community mental health board or board of alcohol, drug addiction and mental health services as defined in Chapter 340. of the Revised Code.

(3) "Designated forensic evaluation centers" means any provider or subdivision of a provider which the department has designated for the primary purpose of providing forensic evaluation services to courts of common pleas (general division) in accordance with this rule.

(4) "Counselor" means an individual who holds a valid license issued by the state of Ohio counselor, social worker, and marriage and family therapist board, as a professional clinical counselor,



professional counselor, or counselor trainee according to Chapter 4757. of the Revised Code.

(5) "Department" means the department of mental health and addiction services.

(6) "Forensic examiner" and "examiner" have the same meaning as paragraph (A)(2)(a) of section 2945.37 of the Revised Code.

(7) "Social worker" means an individual who holds a valid license as a social worker or social worker assistant, issued by the state of Ohio, counselor, social worker, and marriage and family therapist board, according to Chapter 4757. of the Revised Code.

(8) "Psychiatrist" means an individual who holds a valid license to practice medicine according to Chapter 4731. of the Revised Code, issued by the state medical board, 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 who has been recognized as of July 1, 1989, as a psychiatrist by the "Ohio Medical Association" or the "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 physician working under a temporary license and completing a residency in psychiatry.

(9) "Psychologist" means an individual who holds a valid license under Chapter 4732. of the Revised Code which authorizes the practice of psychology.

(10) "Psychology postdoctoral fellow" means an individual with a doctoral degree in psychology, working under appropriate supervision toward licensure in psychology as defined in paragraph (E) of rule 4732-13-03 of the Administrative Code.

(D) The department shall establish specific geographic regions to serve the courts of common pleas.

(E) The department shall designate one forensic evaluation center in each geographic region.



(F) To be a designated forensic evaluation center, a provider must:

(1) Be certified pursuant to Chapter 5122-25 of the Administrative Code to provide forensic evaluation services as defined in rule 5122-29-07 of the Administrative Code

(2) Comply with the requirements of this rule.

(3) Submit an initial application for designation through a board in the geographic region which the center is to serve.

A designated forensic evaluation center may apply to renew its designation annually by submission of an application in the same manner as an initial application. The department shall review renewal applications for compliance with this rule and may renew the designation for a period of one year. Initial applications are accepted only if a designated forensic evaluation center chooses not to renew or is no longer designated by the department for failure to comply with the requirements of this rule.

(G) Applications for initial designation or renewal of designation as forensic evaluation centers shall require at a minimum the following information:

(1) Name and contact information;

(2) Budget;

(3) Renewing designated forensic evaluation centers shall submit a report of the prior year's expenditures; and,

(4) Listing of staff at time of application.

(H) Applicants for a forensic evaluation center designation shall be notified within thirty days of the submission of their completed application of their approval or denial for designation. Denials of renewal applications may be appealed in accordance with Chapter 119. of the Revised Code.

(I) In addition to being certified to provide forensic evaluation services, a designated forensic



evaluation center shall:

(1) Be a free standing organization or a specifically designated subsection of a larger organization identified by:

(a) A name that conveys the purpose of the organization or the specifically designated subsection;

(b) A mission statement which states the designated forensic evaluation center provides services to the courts of common pleas;

(c) A designated physical space;

(d) A description of the services provided to courts of common pleas; and

(e) A table of organization which clearly delineates the authority and responsibility of all staff.

(2) Provide community based forensic evaluation services.

(3) Be open for services during the hours which approximate the hours of the common pleas courts served.

(J) A designated forensic evaluation center shall provide:

(1) Forensic evaluation services to courts of common pleas as defined in paragraph (A) of this rule.

(2) Expert testimony to the common pleas court.

(3) Second opinion evaluations for nonsecured movement requested by the department's regional psychiatric hospitals.

(4) As time and resources allow, a designated forensic evaluation center may provide:

(a) Consultation regarding forensic issues to boards, agencies, courts and the criminal justice system;



(b) Training in effective treatment of forensic clients; or,

(c) Assistance in needs assessment for board and provider planning.

(K) A designated forensic evaluation center must employ a director at least twenty hours per week to manage the forensic evaluation activities of the center and provide forensic evaluations as time and professional qualifications allow. The forensic evaluation center director is responsible for the quality improvement review of reports forwarded to the court. The director may designate a psychologist or psychiatrist to be responsible for the quality improvement review of reports forwarded to the court.

(L) Forensic evaluation center directors are to be:

(1) Either a licensed psychologist or psychiatrist and have at least two thousand hours of recent forensic evaluation or forensic treatment experience obtained over no more than two years; or,

(2) A clinician with an independent mental health license and have at least three thousand hours of recent forensic treatment or assessment experience obtained over no more than three years, upon written approval of the department.

(M) A designated forensic evaluation center shall include on staff, or on contract, at least one psychiatrist or psychologist examiner as defined in section 2945.37 of the Revised Code and may include on staff or on contract social workers, counselors, postdoctoral psychology fellows, or others under the supervision of the licensed psychologist or psychiatrist, based on the needs of the service area.

(1) If postdoctoral psychology fellows are involved in forensic evaluations, they will receive supervision in accord with the rules of the state board of psychology.

(2) Assessment of the functional legal capacities relevant to the forensic question will be done with the assigned examiner being present or the assigned examiner must, at some point, assess the examinee regarding functional legal capacities relevant to the forensic question.



(3) Postdoctoral fellows may participate in the preparation of the report and may co-sign reports on which they have made significant contributions. No examiner may co-sign a report prepared by a postdoctoral psychology fellow without having personally participated in the evaluation of the examinee.

(N) Each designated forensic evaluation center must perform and document at least fifty completed forensic evaluations per year from courts of common pleas in the geographic area. Requests for competency, sanity, and nonsecured status evaluations from the general division of common pleas courts shall take priority over all other work performed by the center and funded by the department.

(O) Each designated forensic evaluation center must report statistical information to the department on at least a quarterly basis.

(P) The department shall establish a quality improvement process for designated forensic evaluation centers with input from the association of Ohio forensic evaluation center directors.

(Q) Providers not designated as designated forensic evaluation centers may apply to provide certified forensic evaluation services pursuant to rule 5122-29-07 of the Administrative Code.