

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-14-12.1

Rule Type: New

Rule Title/Tagline: Gender transition care.

Agency Name: Department of Mental Health and Addiction Services

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 5119.33
5. **What statute(s) does the rule implement or amplify?** R.C. 5119.33
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The State of Ohio has a compelling government interest to protect the health and safety of its citizens, especially children. OhioMHAS is adopting this rule as a public protection measure to ensure that private psychiatric hospitals are taking steps to make sure that children considering gender transition, a significant life decision, have a sufficient period of mental health counseling, involvement with a multi-disciplinary

care team, and certain information before their parent, guardian, or custodian gives informed consent for gender transition services.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Rule 5122-14-12.1 prohibits private psychiatric hospitals from delivering certain gender transition services unless specified standards are met.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The rule applies to private psychiatric hospitals. The rule does not require such hospitals to provide gender transition care. Thus, for hospitals that do not provide gender transition care, the estimated cost of compliance is zero.

For private psychiatric hospitals that choose to provide gender transition care, a business decision must be made to either employ a mental health professional and board-certified endocrinologist with experience treating minors or have available for

referral those professionals. If a hospital elects to refer to those professionals, then the hospital will not incur costs.

Some hospitals may already employ these professionals and will incur minimal to no costs. However, if a hospital makes a business decision to hire those professionals, then the hospital may incur the costs of those professionals' employment.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

The rule imposes no fee.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

The text of this rule does not impose a penalty or sanction. However, OhioMHAS has an existing regulatory structure which would incorporate this rule as part of the agency's general compliance practices and policies. See R.C. 5119.33(B) (granting licenses), R.C. 5119.33(D) (suspension of admissions), and R.C. 5119.33(E) (revoking and renewing licenses).

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable