

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-2-04

Rule Type: Amendment

Rule Title/Tagline: Client complaint and grievance procedure for regional psychiatric hospital inpatient services.

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?** Yes
 - A. **What is the rule's five year review date?** 5/17/2023
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. 5122.33
5. **What statute(s) does the rule implement or amplify?** R.C. 5122.29
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 purpose of this rule is to promote individual recovery and provide a means for persons who have received or are receiving regional psychiatric hospital (RPH) inpatient services, or their representatives, to lodge complaints and file grievances and appeals regarding care, treatment, environmental conditions, and the exercise

of patient rights or other aspects of inpatient care or services and to have those complaints, grievances, and appeals heard and acted upon in a timely manner.

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

The rule currently requires the OhioMHAS medical director to adopt a policy regarding client complaint and grievance procedures at the RPHs. It authorizes each RPH to make changes to its procedure with the approval of the RPH's governing body and OhioMHAS's clients' rights specialist and medical director. The procedure must be based on federal regulations and accompanying guidance in the applicable appendix of the Centers for Medicare and Medicaid (CMS) Manual. The procedure must be reviewed by the OhioMHAS medical director every three years.

The rule is being amended to:

--Change references from "client" to "patient," since the persons served in the RPHs are patients.

--Include the OhioMHAS deputy director of hospital services in the adoption of the patient complaint and grievance procedure.

--Mandate the approval of the deputy director of hospital services (in addition to the medical director and hospital governing body) when changes are made to the procedure.

--Specify that the procedure must be based on the most current version of the applicable appendix of the CMS Manual.

--Mandate that the procedure be reviewed every three years by the deputy director of hospital services and OhioMHAS advocacy services administrator in addition to the medical director.

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.

0.0

Not applicable.

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

No cost of compliance.

- 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.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

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? No

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? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 4

5122-2-04(B) - The provisions of this rule shall be....

5122-2-04(C) - The medical director of the Ohio department of mental health and addiction services shall....

5122-2-04(E) - The client complaint and grievance procedure policy shall be....

5122-2-04(F) - The client complaint and grievance procedure policy shall....

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable