

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5122-2-19  
**Rule Type:** Rescission  
**Rule Title/Tagline:** Hospital services (HS) behavior therapy rule.  
**Agency Name:** Department of Mental Health and Addiction Services  
**Division:**  
**Address:** 30 East Broad Street Columbus OH 43215  
**Contact:** Howard Henry  
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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?** Exempt
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 5119.10
5. **What statute(s) does the rule implement or amplify?** 5119.10
6. **What are the reasons for proposing the rule?**

This rule has been previously promulgated under ORC 111.15 under the Director's authority to adopt rules regarding the institutions under the Department's control. However, on periodic review of those rules it has been determined that this rule is not required by statute and is a matter better left to hospital and Medical Director policy.

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

The rule sets forth the provision of a clinical therapy service in the Department's regional psychiatric hospitals, dictating the manner in which the clinical staff is to

develop behavior therapy interventions. The rule is being rescinded and the subject matter will be moved to the policy level to be set by the Department's Medical Director.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **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**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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There is no change in expenditures.

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

Not applicable.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

## **III. Common Sense Initiative (CSI) Questions**

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

**16. 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**