

Rule Summary and Fiscal Analysis (Part A)**Department of Mental Health and Addiction Services**

Agency Name

Division

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5122-21-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Pre-admission screening and resident review (PASRR) for nursing facility applicants and residents with serious mental illness.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB59**General Assembly: **130**Sponsor: **Amstutz**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5119.40**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.40**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Changes to the rule have been made necessary by House Bill 59 of the 130th General Assembly, which removed the availability of the #hospital exemption# from hospitals or units licensed or operated by OhioMHAS. Previously, R.C. 5119.40 allowed for individuals being admitted to a nursing facility directly from a

OhioMHAS hospital or a OhioMHAS licensed hospital to bypass the preadmission screening process. This exemption has been removed and the rule is being updated to reflect the change. Individuals being admitted from other hospitals can still qualify for the exemption.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule is being amended with new department names and statutory and administrative code references.

Paragraph (F) has had the categorical determination language regarding admissions to a nursing facility updated to include placement immediately following discharge from a hospital setting.

Paragraph (H) removes the hospital exemption for preadmission screening as required by statute.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: **7/17/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues /expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will increase expenditures.

500,00

In an effort to mitigate the impact of this rule change on the impacted facilities, the Department is implementing through policy an expedited screening process. The expedited screening will be completed in no more than forty-eighty hours after the request is received from the hospital. The expedited screening is expected to cost the Department up to \$500,000 per year to conduct, with seventy-five per cent of that cost reimbursed by the federal government.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Estimates developed in conjunction with the business community predict that for each individual who remains in a hospital or psych-ward awaiting preadmission screening costs the facility approximately one thousand dollars per day. The federal guidelines for conducting preadmission screening recommend completing the screening within seven to nine business days from the time of the request from the facility. The Department has typically completed the screening in two to three business days. Based on average of a seven calendar day turnaround for screenings and 1,800 screenings per year, the total cost to stakeholders is \$12.6 million a year. Due to the change in the statutory authority, stakeholders are already impacted by the loss of the hospital exemption regardless of the proposed rule change.

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16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

Nursing facilities and hospitals are required to work with individuals in reporting data for preadmission screenings.