

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

Agency Name

Division

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**5122-21-03**

Rule Number

**NEW**

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? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

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: **5119.061**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.061**

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

This rule is being proposed to replace the rescinded version of this rule. The new 5122-21-03 has been reorganized and restructured to achieve greater clarity and understanding, and to be more accessible to the public. In addition, the rule describes the process of Pre-admission screening and resident review for nursing facility applicants for individuals with serious mental illness.

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:

This rule sets forth pre-admission screening and resident review requirements for individuals with serious mental illness and any prohibitions associated with the pre-admission or resident review screening requirements. Criteria must be met by an individual to either become a new admission or to remain in a nursing facility.

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 rule incorporates one or more dated references to the Federal Register. This question is not applicable to any dated incorporation by reference to the Federal Register because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

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:

Not applicable.

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:

*Not Applicable.*

12. 119.032 Rule Review Date:

(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.

\$15,575

The Department will be required to begin tracking individuals being admitted to nursing home facilities through the hospital exemption, and we will need to create a new position to implement the new requirements. The belief is that the large number of younger individuals admitted through the hospital exemption increases state costs, but the lack of data makes us unable to track this. The long term expected impact is to have better data to guide future policy to increase efficiencies, and control costs.

75% of the salary cost of the new position is reimbursed by the federal government. \$15,575 represents the 25% of the salary that will not be reimbursed and is the responsibility of the Department.

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

ALI 333321

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:

There is no known impact. The rule requires an individual who enters a nursing facility through the hospital (convalescent) exemption to be referred to the local county board of mental health for discharge planning assistance and services if applicable. This requirement, however, already exists in the currently effective rule.

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**