

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

Agency Name

Division

**Jill Hay**

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**5122-21-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Pre-admission screening and resident review for nursing facility and passport waiver 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? **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:

To align with the following ODJFS rules: 1)OAC 5101:3-3-15.1, Preadmission Screening (PAS)Requirements for Individuals Seeking Admissoin to Nursing Facilities (NFs) and/or PASSPORT Home and Community Based Services (HCBS) Waiver Enrollment; and 2) OAC 5101:3-3-15.2, Resident Review (RR) Requirements for Individuals Residing in Nursing Facilities (NFs).

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:

Specifies actions to be taken in cases of incomplete information; prevents IMDs from utilizing convalescent stay; updates rule language; describes PASRR SMI process.

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 does incorporate material by reference, i.e., federal rules and regulations. This material is generally available to persons who are reasonably expected to be affected by the rule.

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:

N/A

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:

Language changes were made in the following paragraphs: (B)(13); (B)(17); (C)(5)(d)(i)(c); (C)(5)(d)(iv); (F)(2); (F)(3)(a)(iv); (F)(3)(a)(v); (F)(3)(b); (F)(4)(d); (F)(4)(e); and (F)(4)(f).

12. 119.032 Rule Review Date: **4/14/2005**

(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.

\$20,000

To implement these changes requires increased expenditures for .5 FTE at approximately \$20,000, 75% of which is federally reimbursed. Contract funds have already been allocated.

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

100 Line

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:

No additional cost anticipated.

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**