

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

Agency Name

Division

Janel M Pequignot

Contact

30 E. Broad St., 8th floor Columbus OH 43215-3430 614-466-9065

Agency Mailing Address (Plus Zip)

Phone

614-752-9453

Fax

5122-22-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Trusts for supplemental services.**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: **5815.28, 5119.17**

5. Statute(s) the rule, as filed, amplifies or implements: **5815.28, 5119.17**

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

This rule is being updated following a review required by ORC 119.032.

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 describes the requirements for maintenance and distribution of a trust for supplemental services.

Revise definition of "county board" to be consistent with definition used in other

ODMH rules

Update ORC references in accordance with renumbering of ORC Chapter 1339. to ORC Chapter 5815.

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:

The rule references the Ohio Revised Code, which is generally available to persons via the internet.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **11/30/2011**

(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 have no impact on revenues or expenditures.

0.00

This rule filing will have no impact on revenues or expenditures.

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:

The department estimates there is no change to the cost of compliance by amending this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

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

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

The rule allows ODMH to distribute supplemental services funds as allowed by Section 5119.17 of the Ohio Revised Code, if any exist in a given year, to county boards of alcohol, drug abuse and mental health services, or boards of community mental health according to an allocation formula determined by the department to county boards. If a distribution is made, the Boards are to distribute to persons with mental illness for supplemental services. The Boards are not allowed to take an administration fee. The Board is required to submit an annual report to the Department. In most years, there are no funds available for distribution. There is no requirement for a Board to accept such funds, so there is no required cost of compliance.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any

indirect central service costs.

If funds are available, and a Board is allocated funds, the Department estimates that there will be some personnel costs. The Department does not believe there are any other associated costs.

(a) Personnel Costs

Should a Board receive funds, the Department estimates that it would involve 10 - 20 hours (or less) per year of staff time to administer such funds and prepare an annual report. The actual cost is dependent upon the staff salary. At a salary of \$25/hour, this would be \$250 - \$500/year.

(b) New Equipment or Other Capital Costs

The Department estimates there are no costs in this area.

(c) Operating Costs

The Department estimates there are no costs in this area.

(d) Any Indirect Central Service Costs

The Department estimates there are no costs in this area.

(e) Other Costs

The Department estimates there are no costs in this area.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The Board is not required to accept funds, if funds are available.

7. Please provide a statement on the proposed rule's impact on economic development.

None noted.