

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-26-13

Rule Type: Amendment

Rule Title/Tagline: Incident notification and risk management.

Agency Name: Department of Mental Health and Addiction Services

Division:

Address: 30 East Broad Street Columbus OH 43215

Contact: Howard Henry **Phone:** 614-752-8365

Email: Howard.Henry@mha.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 4/1/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5119.36
5. **What statute(s) does the rule implement or amplify?** 5119.36
6. **What are the reasons for proposing the rule?**

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) completed a review and update of the OAC Chapters governing the certification of community mental health and addiction services providers in 2016. Since that time OhioMHAS has been monitoring the effectiveness of the rules and is proposing to amend the rules in this package in order to remove operational issues. Additionally, changes to the scope of the certified services program made by HB 111 are effective on September 29, 2019. HB 111 expands the requirement of certification to nearly all alcohol and drug services providers pursuant to ORC 5119.35.

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

5122-26-13 establishes standards to ensure the prompt and accurate notification of certain prescribed incidents. It also requires the provider to review and analyze all incidents so that it might identify and implement corrective measures designed to prevent recurrence and manage risk. 5122-26-13 is being updated to clarify what is meant by elderly and correct a statutory reference.

- 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.**

Revised to remove law enforcement from (D)(2) in order to align with statute.

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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Not applicable

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

No new cost of compliance.

- 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? Yes

16. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Rule requires provider's to be certified to provide mental health or addiction treatment services.

- 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

This rule requires reporting of any defined incidents to the Department.