

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

Agency Name

Division

**Debra Belinky**

Contact

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**5122-26-13**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Incident notification.****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? **Yes**

Bill Number: **HB94**General Assembly: **124**Sponsor: **Rep. Carey**

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: **5119.22, 5119.61(A), 5119.611(C), 5119.01(H)**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.01(H), 5119.22, 5119.61(A), 5119.611(C)**

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

As a result of our 5 year rule review process and to update rules affecting the ODMH certification process.

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 establishes standards to ensure the prompt and accurate notification of certain prescribed incidents. It also requires agencies to review and analyze all incidents so that they might identify and implement corrective measures designed to prevent recurrence and manage risk.

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:

Revised the definition of "reportable incident" in (B)(2).

Removed originally proposed (C)(2): "The agency shall maintain an ongoing record of its incidents for department, board and Ohio legal rights service review. Such record and supporting documentation shall be maintained by the agency for a period of at least three years."

Removed originally proposed paragraph (F): "The agency shall inform the client of actions taken in accordance with paragraphs(D) and (E) of this rule and the resolution, if any."

Added the following language to new paragraph (F): .....exclusive of weekends and holidays.

Added information in new paragraph (F) regarding the contents of form "DMH-LIC-015".

Also, amended the Rules Summary to reflect that this rule is being filed as a result of recent legislation.

12. 119.032 Rule Review Date:

(If 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: At 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.

\$124,000.

In order for the Department to support the receipt and data programming, entry and analysis of incident notifications submitted by the agencies, we are anticipating the need for 1 FTE staff. In addition, a 0.2 FTE staff person for ongoing report preparation, training and technical assistance. As well as administrative costs, such as copying and web-enabled software costs.

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

Appropriation Line item: 321-100 Salaries \$120,000

321-200 Maintenance \$ 2,000

321-300 Equipment \$ 2,000

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 additional cost of complying with this rule entails having the agency submit (fax) to the Department a one page incident notification form that it is already required to submit to the mental health board.

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**