

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

Agency Name

Division

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**5122-29-28**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Intensive home based treatment (IHBT) service.****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: **5119.61(A), 5119.611(E)**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.61(A), 5119.611(E)**

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

This rule describes short-term intensive mental health service to a child and his/her family with a goal of preventing out-of-home placement, or to facilitate returning a child to a home. The rule is being amended to revise the description and activities which comprise IHBT service.

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:

Update paragraph (A) definition/description of service.

Use "child/adolescent" in place of client, youth, etc.

Remove requirement that IHBT service average 3 hours/week.

Remove requirement that no more than 75% of the service be provided in the office.

Include IHBT caseload sizes when provided by a team.

Simplify requirements related to provision of crisis response under written agreement.

Include trauma-informed care as one of the skills and competencies staff may need.

Add language to provide additional clarity that IHBT services may be provided to individuals age 18 and over who meet specified criteria.

Revise language to clarify that the purpose of IHBT service is only to prevent out-of-home placement or to assist in successful transition back to home.

Add "weekly" to clarify the intensity of the service provision.

Clarify that IHBT service providers cannot have a mixed caseload of providing IHBT service and other services, e.g. counseling, mental health assessment, CPST.

New paragraph (J) to require IHBT agency to obtain at least one fidelity review every twelve months by an external reviewer.

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 Administrative 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. If applicable, indicate each specific paragraph of the rule that has been modified:

Correct RSFA question numbers 4 and 5 [statutory authority and rule amplifies] to 5119.611 (E)

Revise RSFA question numbers 8 and 9.

12. 119.032 Rule Review Date: **4/16/2013**

(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

Not applicable.

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 amount of additional staff time to implement the standards is difficult to estimate. It may differ based upon the expertise of employees within the agency, size of IHBT programs, number of staff, etc. In addition, some agencies already provide IHBT and exceed the ODMH standards due to implementing an evidenced-based practice or accrediting body standards, and will need to make fewer, if any, changes to implement the regulations.

ODMH made the external fidelity review flexible (non-specific) in regards to how a provider obtains an external fidelity review. Providers may partner with other providers to conduct the review for each other, at a minimum cost of staff time to conduct the reviews. If a provider utilizes a paid external reviewer, the estimated cost for a review is: Center for Innovative Practices (IHBT fidelity review) = 8 - 12 hours per review at a cost of up to \$125/hour.

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**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **No**

A mental health agency is required to obtain ODMH certification if it wants to bill the community mental health Medicaid program and/or seek a contract with its local mental health board to receive local/public funding for the service. Providers seeking other sources of funding for a service, e.g. contracts with insurance companies, private pay, etc. may operate without ODMH certification.

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? **Yes**

Sanction: An agency may be issued a probationary certificate for failure to submit an approved plan of correction, or for non-compliance with any certification standard. There is no other sanction associated with the issuance of a probationary certificate, i.e. there are no fines or other consequences.

Cause of Action: ODMH can initiate a hearing under Chapter 119 of the Revised Code to revoke an agency's certification for failure to submit an approved plan of correction, or for non-compliance with any certification standard.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**

There is no specific reporting requirement in this rule, however, the certification standards for community mental health agencies (Chapters 5122-24 to 5122-29) require community mental health providers to report information.