

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

Agency Name

Division

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Resident rights and grievance procedure.**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? **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: **5119.22**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.22**

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

The rule is being filed as a new rule due to revising over 50 % of the existing rule. The rule is being revised to align the rights for mental health consumers receiving inpatient, residential and community treatment. The rule incorporates recommendations of a committee comprised of ODMH staff and community, residential and inpatient providers, consumer representatives, and other stakeholders.

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 describes the rights of each resident of an ODMH-licensed residential facility, including the right to file a grievance, and the responsibility of the facility to ensure provision of a grievance procedure.

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 and the Ohio Administrative Code, both of which are 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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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:

(C) - change "center" to "agency"

(C)(1)(a) and (E)(2) - Change requirement in (C)(1)(a) that facility provide written copy of rights to verbal explanation, including right of resident to request written copy, and associated language to reflect this change in (E)(2)

(C)(1)(b) - language modified from "in a culturally and linguistically competent format" to "language and terms appropriate for the person's understanding"

(C)(8) Change "due process" to "have a grievance reviewed" through a grievance process

(C)(13) - add right of resident to access to records, and that, if access to records is restricted, must include goal to remove access on ISP

(C)(14) - Add right that resident must be informed in advance of & reason for termination

(C)(15) - Add right that resident must be given explanation for reason for denial of services

(D)(1)(c) - Add right to reside in a residential facility, as available and appropriate regardless of previous residency, unless there is a valid and specific necessity which precludes such residency

(D)(1)(d) - Add right to receive thirty days prior notice for termination of residency in type 2 and 3 residential facilities except in an emergency

(D)(1)(e) - Add right to vacate the facility at any time, and responsibility to pay for incurred costs of room and board shall continue unless appropriate notification has been provided

(E)(1)(b) moved to (E)(3) - Requirement to provide resident rights officer name, availability and contact info changed from included in written client rights policy, to posted in area accessible to clients and the public

12. 119.032 Rule Review Date:

(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

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:

There will be an initial increase in cost of compliance for staff training and printing. The Department of Mental Health is unable to determine an estimate for staff training. Facilities will incur an initial expense to train staff on the new resident rights and grievance procedure policy. The cost will vary by facility depending in part on the number of staff employed, whether the training can be incorporated into other scheduled training, facility's method of training, e.g. computer based, in person in-service, provide copy to staff to review, utilization of free ODMH training, etc. It is estimated that the average training time will be between 1 - 2 hours/staff. There will also be an initial cost to print copies of the new resident rights and grievance procedure. These costs will vary by provider, dependent upon whether the facility will do its own printing in-house, number of copies needed to provide residents, whether facility prints on standard 8 1/2 X 11 paper or creates brochures, method of posting a copy in an accessible location (paper, poster, etc.). Based on outside printing costs of brochures, paper and posters, it is estimated the initial printing cost will be between \$50 and \$400. After updating its existing stock of policies and procedures, the on-going costs should be the same as under the current rule.

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**