

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

Agency Name

Division

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**5122-30-26**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Provisions of personal care in type 1 and 2 facilities.****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: **5119.22**

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 Department of Mental Health (ODMH) has reviewed the rule, and is filing it without changes at this time. ODMH was in the process of revising several rules for the licensure of residential facilities contained in OAC Chapter 5122-30. However, House Bill 153 (129th General Assembly) transferred the authority to license adult care facilities (from Department of Health) and adult foster homes (from Department of Aging) to ODMH effective September 29, 2011. ODMH currently has providers who operate homes licensed as residential facilities and adult care facilities and/or adult foster homes. This creates different sets of regulations for single providers to follow when operating the same or similar facility type. ODMH will revise the rules for the various providers so that there is better alignment. This will reduce regulatory burden on providers, and improve state efficiencies in the

licensure process. ODMH has begun to discuss the process with different stakeholders, and will continue to do so. In addition, ODMH is reviewing the need for statutory changes. ODMH will not change the rule at this time, so that providers are not required to implement changes when additional changes are forthcoming.

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 what constitutes personal care activities, requirements related to the provision of personal care in Type 1 and Type 2 residential facilities, including that personal care needs shall be part of the resident treatment plan, and that the facility shall document monthly progress toward the achievement of personal care goals.

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 and Administrative Codes, 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:

*Not Applicable.*

12. 119.032 Rule Review Date: **11/30/2011** and **11/30/2013**

(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.

0.00

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:

ODMH estimates that there is no increased cost of compliance to any directly-affected entity associated with not changing the rule at this time.

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**