

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

Agency Name

Division

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Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Mental health board/mental health agency accountability rule related to adult care facility (ACF) placements for persons with mental illness.**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? **Yes**

Bill Number: **HB1**General Assembly: **128**Sponsor: **Sykes**

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: **5119.01, 5119.61, 5119.613**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.01, 5119.61, 5119.613**

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

This rule is filed as a result of Am. Sub. H.B. 1, page 2386, which added a new section 5119.613 to the ORC, and ORC changes to sections 3722.10 and 3722.18.

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 sets forth the duties and responsibilities of mental health boards and mental health agencies regarding effective placement, referral, and coordination of care processes for individuals with mental illness residing in adult care facilities (ACF) licensed by the Ohio department of health and the duties of mental health boards regarding abuse and neglect investigations and reports to the directors of the Ohio

departments of health, mental health, aging and the Ohio legal rights service. In addition to minor updates to rule language:

1. Adds definition of mental health resident program participation agreement.
 2. Adds requirement that an ADAMH/CMH board enter into a mental health resident program participation agreement with any adult care facility located within the board's service district if the adult care facility is licensed by the department of health, meets all requirements set forth in the mental health resident program participation agreement template approved by the director of mental health & is willing to serve residents with mental illness.
 3. Adds existence of current valid mental health resident program participation agreement between adult care facility and local ADAMH/CMH board as a factor to be considered by a mental health agency in determining whether the proposed placement of an individual with mental illness in an adult care facility would be an effective placement.
 4. Adds requirement that the local ADAMH/CMH board work with an adult care facility to enter into a mental health resident program participation agreement where no such agreement exists & one or more of the adult care facility residents seeks public mental health services.
 5. Formatting changes in accordance with LSC drafting guidelines.
 6. Adds requirement that a mental health agency or ADAMH/CMH board ensure that a mental health resident program participation agreement is executed between the adult care facility and the local ADAMH/CMH board prior to making a referral of an individual with mental illness to the adult care facility.
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:

Not Applicable.

12. 119.032 Rule Review Date: **11/25/2009**

(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 is no anticipated additional cost of compliance versus the existing 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**