

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

Agency Name

Division

Janel M Pequignot

Contact

30 E. Broad St., 8th floor Columbus OH 43215-3430

Agency Mailing Address (Plus Zip)

614-466-9065

Phone

614-752-9453

Fax

5122-33-17

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Personal care services; resident medications; home health care.**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: **HB153**General Assembly: **129**Sponsor: **Representative
Amstutz**

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: **5119.79, 5119.88**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.70, 5119.701, 5119.79, 5119.86, 5119.88**

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

This rule is being amended to reflect changes made by renumbering by 129th G.A., H.B. 153.

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 requires describes personal care services and requires the facility to provide them to residents in need, and other residents upon request. The rule prohibits facility staff from administering medications, requires a physician to provide a written statement that a resident is capable to self-administer medications, and provides an exception when the resident is receiving skilled nursing care when skilled nursing care is permitted under the rule. The rule also describes how a staff may assist a resident with administering medications, and that medications must be stored in a locked area.

The changes are made to correct ORC and OAC references based upon rule renumbering under H.B. 153 of the 129th G.A., and to change references from the Department of Health to the Department of Mental Health.

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:

References are made to ORC and OAC which are generally available through the world wide web.

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**

(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:

The Department estimates there is no change in cost of compliance for an entity currently licensed by the Department. The Department is only changing OAC/ORC references and terms to reflect the transfer of licensing from the Department of Health to ODMH.

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**