

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-34-01

Rule Type: Rescission

Rule Title/Tagline: Physician loan repayment.

Agency Name: Department of Mental Health and Addiction Services

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 1/29/2024
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 166 - 133
- Representative Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 5119.185
5. **What statute(s) does the rule implement or amplify?** R.C. 5119.185
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

OhioMHAS is reviewing the rule pursuant to the five-year rule review requirements in R.C. 106.03.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Under law in effect prior to the enactment of HB 166 of the 133rd General Assembly (former R.C. 5119.185), OhioMHAS was authorized to establish a physician loan repayment program under which OhioMHAS could repay all or part of the principal and interest of a government or other educational loan incurred by a physician who agreed to provide services to inpatients and outpatients of institutions under OhioMHAS's administration. OhioMHAS has been operating such a program for several years now. HB 166 of the 133rd General Assembly changed the name of the program to the clinician recruitment program and authorized OhioMHAS to expand the program to include physician assistants (PAs) and advanced practice registered nurses (APRNs). Under the newly-named and expanded program, OhioMHAS may agree to repay all or part of a physician's, PA's, or APRN's educational loans in exchange for the clinician providing health care services at institutions operated by OhioMHAS. OhioMHAS is now choosing to expand the program as authorized by the amended statute. Accordingly, OhioMHAS is proposing to rescind the current rule and replace it with a new rule governing the newly-named and expanded program.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

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Each regional psychiatric hospital allocates funds to the loan repayment program from its existing budget. Changes to the rule will allow more types of professionals to be eligible for the program. However, the overall hospital budget will remain unchanged.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

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

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? No

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

Under the rule to be rescinded and the new rule, a physician or clinician, as applicable, must comply with terms of the loan repayment contract.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 6

Division (B) - "The director, or the director's designee, in consultation with the department's medical director, shall designate...."

Division (C) - "These agreements shall be contingent...."

Division (C) - "The written agreements shall be for a term of one year..."

Division (F) - "A physician, approved for loan repayment, shall provide...."

Division (G) - "Loan amounts eligible for repayment shall consist of...."

Division (J) - "The loan agreement must also be signed...."

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable