

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

Agency Name

Division

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5122-36-04

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Responsibilities of the living arrangement.**RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **Yes**Bill Number: **HB49**General Assembly: **132**Sponsor: **Smith**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: **5119.41, Section 1616(B)(2) of the Social Security Act**5. Statute(s) the rule, as filed, amplifies or implements: **5119.41**

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

HB 49 of the 132nd General Assembly contains changes to the statutory authority for the Residential State Supplement program (RSS). Those changes move the requirements for the RSS program from statute to rule. The changes to 5122-36-02 and 5122-36-04 implement this change and will go into effect concurrently with HB49.

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 first three paragraphs of this rule are being removed as they are no longer needed in the rule, the requirements contained in them are contained in the definitions for the living arrangements. The requirement that the Department be provided with resident's financial records and mental health plans of care has been removed as the plans of care are no longer required by rule. Paragraph (I) has been added to allow for verification that RSS recipients are actually living in the facilities listed for the program, this is a requirement for the program and its connection to Medicaid.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **4/14/2017**

(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.

0.0

There is no impact on revenues or expenditures.

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 rule does not present any new cost of compliance except for the verification surveys in paragraph (I). The Department must verify RSS recipients are living in the facilities listed with the program. Quarterly surveys that can be returned by mail or fax were found to be the least obtrusive and most efficient way in to conduct this verification. The process should only take a few minutes of each facility operators time each quarter.

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**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

Failure to comply with the rules will lead to the facility not being eligible for future RSS participation.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The rule requires the reporting of information on the verification surveys.