

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

Allowable fee.**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: **5119.69, Section 337.30.50 of H.B. No. 153 (129th G.A)**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.69, Section 337.30.50 of H.B. No. 153 (129th G.A)**

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 House Bill 153, 129th General Assembly.

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 describes the allowable fee, which is the amount that a resident pays to a particular living arrangement, and which is utilized by the county department of jobs and family services to determine the amount of payment under the program.

The department of mental health is updating the ORC references to the statutory authority, and eliminating the community alternative home living arrangement, which is not included in House Bill 153 as the licensing for this type home was repealed under House Bill 1 (128th General Assembly).

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 the OAC which is 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:

1/3/2012

Changed questions 4 and 5 on the Rule Summary Fiscal Analysis (RSFA) to denote "Section 337.30.50 of House Bill 153 (129th General Assembly)" as the proper reference for "statutory authority" and "rule amplifies".

Changed question 14 on the RSFA to identify the correct appropriation line items.

3/1/2012

Removed increases in allowable amounts and revised question 7 on RSFA to reflect this.

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:

335506 and 335622

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**