

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-7-02

Rule Type: Amendment

Rule Title/Tagline: Client rights within regional psychiatric hospitals.

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?** 5/17/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** R.C. 5122.33
5. **What statute(s) does the rule implement or amplify?** R.C. 5122.29
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?**

The purpose of this rule is to promote and protect the rights of patients receiving services in

Ohios regional psychiatric hospitals (RPHs). It is being updated pursuant to the five-year review process.

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

This rule specifies the organization and responsibilities of OhioMHAS's advocacy program. It is being updated to reflect the newer titles of the persons who have duties with respect to that program, eliminate references to mediation (since mediation does not occur), and changes references from "client" to "patient" since the persons served are patients.

- 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.

0.0

Not applicable.

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

No cost of compliance.

- 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
- 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? 13

5122-7-02(A) - The purpose of this rule shall be....

5122-7-02(B) - The provisions of this rule shall be applicable....

5122-7-02(C) - The following definition shall apply....

5122-7-02(D) - The policy of OhioMHAS shall be....

5122-7-02(E)(1) - An OhioMHAS client rights and advocacy specialist lead for inpatient services shall....

5122-7-02(E)(1) - General responsibilities of the OhioMHAS client rights and advocacy specialist lead shall....

5122-7-02(E)(2) - Each RPH shall.... (first paragraph)

5122-7-02(E)(2) - Each RPH shall.... (second paragraph)

5122-7-02(E)(3) - Duties for the RPH client rights specialist shall....

5122-7-02(E)(3)(h)(i) - The written rights shall

5122-7-02(E)(3)(h)(ii) - ...the list of rights shall....

5122-7-02(E)(3)(h)(iii) - The notification and explanation of client rights shall....

5122-7-02(E)(4) - Compliance with paragraph (E)(3)(h) of this rule shall....

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