

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

Agency Name

Operations Management

Division

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5122:2-1-02

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Board client rights and grievance procedures.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Rep. 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: **5119.61 (A), 5119.611, 5119.613**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.61(A), 5119.611, 5119.613**

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

This rule is filed as a new rule due to amending over 50% of the existing rule. The rule is being revised to remove the list of client rights and grievance procedures which a community mental health agency must follow, as that language is now included in the rules for community mental health agencies. In accordance with HB 153, the rule is also being revised to remove the requirement that certified agencies granted deemed status provide an annual summary of grievances to the Community Mental Health Board (Board) to be then sent to the Department of Mental Health.

The Department is also proposing to remove this same requirement for agencies not granted deemed status as well as the requirement for each Board to send an annual summary of its grievances to the department.

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 Community Mental Health Boards roles and responsibilities in client rights and grievance procedures, including rights of residents of residential facilities.

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 rule references the Ohio Administrative Code, which is generally available to persons via the Internet.

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:

(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:

This rule is for county community mental health boards. Please see RSFA Part B.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

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Rule Number: 5122:2-1-02

Rule Summary and Fiscal Analysis (Part B)

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
No	Yes	No	No

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

There will be an initial increase in cost of compliance for staff training and printing. The Department of Mental Health is unable to determine an estimate for staff training. Boards may incur an initial expense to train staff on the new rights and grievance procedure policy. The cost will vary by Board depending in part on the number of staff to be trained, method of training, e.g. computer based, in person in-service, provide copy to staff to review, utilization of free ODMH training, etc. It is estimated that the average training time will be between 2 - 3 hours for training on both the rights of clients receiving services in a community mental health agency and residents of a residential facility. There may also be an initial cost to print copies of the new client and resident rights and grievance procedure, if the Board makes these available. These costs will vary by Board provider, dependent upon whether the Board will do its own printing in-house, number of copies needed to provide residents, whether facility prints on standard 8 1/2 X 11 paper or creates brochures, etc. Based on outside printing costs of brochures, paper and posters, it is estimated the initial printing cost will be between \$50 and \$200. After updating its existing stock of policies and procedures, if applicable, the on-going costs should be the same as under the current rule.

Boards should see a decrease in costs as they will no longer be required to review the annual summary of contract agency grievances and forward these to the Department of Mental Health, and do not need to provide an annual summary of its own grievances to the department.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an

estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

Not Applicable.

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

This rule removes current requirements. Some boards have a dedicated client rights officer, while others have those duties assumed by a staff person. While the boards will continue to have a client rights officer, the responsibility to review annual summaries of grievances is removed.

(a) Personnel Costs

There is no change to existing personnel costs. It is not anticipated the rescinded requirement to review annual summaries will lead to decreased personnel. It is also anticipated that staff can attend training as part of the normal work week. ODMH will provide training at no cost.

(b) New Equipment or Other Capital Costs

None known.

(c) Operating Costs

There may be some travel costs with attending training, if ODMH provides regional training. If ODMH provides training via webinar, there will be no travel costs.

Printing costs, if applicable, are estimated to be less than \$200. There is no requirement for Boards to print copies of client rights, although it is believed that many boards do maintain such documents. There will be a decrease in costs due to removing the requirement to receive annual summaries of grievances from agencies and forward these to the department, as well as the requirement to forward its own summaries to the department.

(d) Any Indirect Central Service Costs

None known.

(e) Other Costs

None known.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The new costs can be offset by decreased costs associated with removal of existing requirements.

7. Please provide a statement on the proposed rule's impact on economic development.

There is no anticipated impact.