

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

Agency Name

Operations Management

Division

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5122:2-1-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

County withdrawal from a joint-county community mental health board.**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? **No**

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: **340.01, 5119.01, 5119.61**

5. Statute(s) the rule, as filed, amplifies or implements: **340.01, 5119.01, 5119.61**

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

This rule is being amended as a result of the Ohio Department of Mental Health's five year rule review.

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 rule establishes the criteria and procedures for the Department's authorization of the withdrawal by one or more Board(s) of County Commissioners from

participation in a joint-county community mental health board.

The rule is being amended to add "or replaced" to paragraph (C)(1)(g) to mirror the language in the Ohio Revised Code; delete (C)(2) as the rule reference to OAC 5122:2-1-02 is to a rule that was rescinded prior to the enactment of the current rule; correct spelling.

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 Revised Code, which is 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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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: **12/30/2011**

(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

This will not impact 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:

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**

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.

This rule requires no activity and there is no cost of compliance unless the County Board of Commissioners of a County in a joint-county district enacts a resolution to withdraw from the district. The Department is unable to estimate the costs should the Board take such an action due to varying factors, including the number of counties in the joint district, the county populations, numbers and characteristics of consumers receiving mental health services, the existence and amount of any existing tax levy, etc. In at least the past 15 years, there is no known event when this has occurred.

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 requires no activity and there is no cost of compliance unless the County

Board of Commissioners of a County in a joint-county district enacts a resolution to withdraw from the district. The Department is unable to estimate the costs should the Board take such an action due to varying factors, including that there is no known event when this has occurred upon which to base an estimate of the impact and costs.

(a) Personnel Costs

If a county withdraws from a joint district, there could be an increase in personnel costs due to the need to hire "duplicate" staff, e.g. its own executive director, and the reduced number of counties among which to spread personnel costs. The Department is unable to estimate any such potential loss, which would vary widely, depending upon county size, numbers of population served and other unknown factors.

(b) New Equipment or Other Capital Costs

The rule requires, should a county withdraw from a joint-county district, equitable equitable adjustment and division of all mental health services, assets, property, debts, and obligations, if any, of the joint-county district. It is unknown whether this would lead to a loss of capital for any of the involved counties which would then need to be purchased. The Department is unable to estimate any such potential loss, which would vary widely by a joint county district.

(c) Operating Costs

There could be an increase in operating cost when the costs are spread among a smaller number of boards due to the need to duplicate services. The Department is unable to estimate any such potential loss, which would vary widely, depending upon county size, numbers of population served and other unknown factors.

(d) Any Indirect Central Service Costs

The rule requires, should a county withdraw from a joint-county district, equitable equitable adjustment and division of all mental health services, assets, property, debts, and obligations, if any, of the joint-county district. It is unknown whether this would lead to an increased indirect central service costs. The Department is unable to estimate any such potential loss, which would vary widely by a joint county district.

(e) Other Costs

The rule requires a county proposing to withdraw from a joint district to take actions such as notifying involved/interested parties, conduct a public hearing, and make certain projections of the results of the proposed action and to assure the ability to continue to meet service needs. The Department is unable to estimate any such potential cost, which would vary widely, depending upon county size, numbers of population served and other unknown factors. These costs would be one time costs, rather than on-going costs, and are not required unless a county board of commissioners chooses to take such action.

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.

There are no new requirements in the proposed rule, which removes one of the existing requirements should a County Board of Commissioners of a County in a joint-county district enacts a resolution to withdraw from the district. There is no anticipated increase in the cost of compliance by amending this rule should a county take such an action.

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

It is believed there is no impact.