

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122:2-1-05

Rule Type: New

Rule Title/Tagline: Board operation of mental health or addiction services or facilities.

Agency Name: Department of Mental Health and Addiction Services

Division:

Address: 30 East Broad Street Columbus OH 43215

Contact: Howard Henry

Email: Howard.Henry@mha.ohio.gov **Phone:** 614-752-8365

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
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?** 5119.21
5. **What statute(s) does the rule implement or amplify?** 340.037
6. **What are the reasons for proposing the rule?**

Generally ORC 340 prohibits ADAMHS boards from directly providing mental health and addiction services. However, ORC 340.037 provides for certain times when Boards may provide services. This rule provides for that process.

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

During the five-year review process it was decided that the current rule is no longer in line with the statutory intent and it has been rewritten to provide for procedural detail in the board operation of services process. The rule provides definitions, enumerates

what shall be provided in a request for approval submitted to the Department, requires any board providing services to do so in accordance with applicable certification rules, and provides a timeline for the Department to process requests for Board operation of services.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **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

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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The rule has no impact on revenues.

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

There is no cost of compliance. Boards would need to follow the statutory and rule process if the need to provide services arose. There would be administrative cost to showing the need to operate services but it would be minimal and be only a one time start-up cost.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? No

16. 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**