

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122:2-1-06

Rule Type: Amendment

Rule Title/Tagline: Mediation procedures for community mental health boards and contract agencies of those boards.

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?** 1/30/2018
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?** 5119.141
5. **What statute(s) does the rule implement or amplify?** 340.036
6. **What are the reasons for proposing the rule?**

The Department is required by ORC 340.036(D) to adopt procedures for a dispute resolution process when either a board of alcohol, drug addiction, and mental health services or a service provider decide not to renew a contract with the other party. The dispute resolution process is intended to only cover the circumstances of a non-renewed contract, and the Department is not required by ORC 340.036(D) to force the parties into the process and the parties are not bound by the outcome of the dispute resolution process.

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

The rule is being amended to be consistent with the current statutory authority and other changes in Department structure since the last update of the rule.

The Department name and changes to how services providers are referred to by statute are updated, as well as making the timing provisions of the rule consistent with the requirements of ORC 340.036

- 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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There is no impact to the Department's revenues due to these procedures.

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

Providers and boards that engage in mediation set out by this rule are required to split the costs of the process, however the parties are not required to engage in this process to the point of engaging a mediator and can opt out at any time.

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? Yes**
16. **Does this rule have an adverse impact on business? Yes**
 - 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? Yes**

This rule could potentially require providers to pay, in part, for the costs of mediation. However, their engagement in this process is voluntary and any related costs would be at their choice.