

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

Agency Name

Operations Management

Division

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5122:2-1-06

Rule Number

RESCISSION

TYPE of rule filing

Rule Title/Tag Line

Mediation procedures for community mental health boards and contract agencies of those boards.**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? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Representative 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: **340.03 (A)**

5. Statute(s) the rule, as filed, amplifies or implements: **340.03 (A)**

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

House Bill 153 (129th General Assembly) amended Division (A)(8)(a) of Section 340.03 of the Revised Code to remove the Ohio Department of Mental Health's (ODMH) role in the contract dispute process. This bill is being rescinded as ODMH no longer has statutory authority to participate in the process.

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 mediation procedures for community mental health boards and contract agencies of those boards when a board or an agency with which it contracts for mental health services, programs, or facilities proposes not to renew the contract or proposes substantial changes in contract terms.

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 response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

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: **11/21/2011**

(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

Rescinding this rule will have no impact on 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:

Rescinding this rule will have no impact on the current cost of compliance to affected community health agencies, contract agencies, or ADAMHS/MH boards. Boards and agencies may still engage in the contract dispute process in accordance with the Revised Code, but the Department will not have a role.

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.

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

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.

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

(a) Personnel Costs

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

(b) New Equipment or Other Capital Costs

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

(c) Operating Costs

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

(d) Any Indirect Central Service Costs

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

(e) Other Costs

The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

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.

Not applicable. The existing rule is applicable to county mental health boards. The rule is being rescinded, and there will be no continued cost of compliance if the rule is rescinded.

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

Not applicable.