



NOTICE OF PUBLIC HEARING

Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health (ODMH) hereby gives notice of its intent to amend, rescind and/or adopt the Ohio Administrative Code (OAC) rules as identified below and to conduct a public hearing thereon.

Operations Management

5122:2-1-06 Mediation Procedures for Community Mental Health Boards and Contract Agencies of those Boards (Rescind)

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.

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 This bill is being rescinded as ODMH no longer has statutory authority to participate in the process.

Construction Assistance for Community Mental Health Facilities

5122:3-1-01 Definitions (Amend)

The rule lists definitions utilized in Chapter 5122:3-1 of the Revised Code.

ODMH is adding definitions for "variance" and "waiver".

5122:3-1-17 Waivers and Variances (New)

The rule describes the waiver or variance process, and the limits to the department's ability to grant a waiver or variance.

This rule is being proposed to allow ODMH the ability to grant a waiver or variance to Ohio Administrative Code rules requiring an applicant for construction assistance to give or maintain for the benefit of ODMH prior or subordinate mortgage(s) in project property sufficient to secure the amount of state funds reimbursed by ODMH for approved project costs.

A public hearing on the proposed rules will be held on **Wednesday, December 28, 2011**, beginning at **10:00 am**, continuing until all persons in attendance have had an opportunity to testify. The hearing will be held in **Room 806 of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio 43215, 8th FL**. At this hearing, ODMH will accept verbal and/or written testimony on the proposed rules under consideration.

Persons may also submit written testimony via mail/e-mail. Any written comments received or postmarked on or before the public hearing date will be treated as testimony. Submittal of written comments may be made to Janel M. Pequignot, Chief, Standards Development and Administrative Rules, by e-mail to Janel.Pequignot@mh.ohio.gov; by fax to 614-752-9453; or by mail to 30 East Broad Street, 8th Floor, Columbus, Ohio 43215-3430.

Copies of these rules are available for review at the Register of Ohio website: www.registerofohio.state.oh.us or the ODMH website <http://mentalhealth.ohio.gov/what-we-do/protect-and-monitor/licensure-and-certification/rules/index.shtml> (Follow link to "Pending Rules"). A request for a copy of the proposed rules may also be submitted by mail to Janel M. Pequignot, Chief, Standards Development and Administrative Rules, 30 East Broad Street, 8th Floor, Columbus, Ohio 43215-3430 or by e-mail to Janel.Pequignot@mh.ohio.gov.