

**MEMORANDUM**

TO: Howard Henry, Ohio Department of Mental Health and Addiction Services

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: July 16, 2014

RE: **CSI Review – Preadmission Screening and Resident Review (OAC 5122-21-03)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule submitted by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) pursuant to the five-year review requirement of ORC 119.032. The rule pertains to Preadmission Screening and Resident Review (PASRR) for individuals with mental illness. This rule package was submitted to the CSI Office on June 23, 2014 and the comment period was held open through July 14, 2014. No comments were received during this time.

OAC 5122-21-03 sets forth the processes to determine whether an Ohioan with a serious mental illness (SMI) requires the level of services provided in a nursing facility and whether the individual requires specialized services for mental illness. Previously, individuals being admitted to a nursing facility directly from an OhioMHAS-licensed hospital or psychiatric ward were allowed to bypass the PASRR process. This exemption has been removed by recently-enacted House Bill 59 and this rule is being amended to reflect the statutory changes.

OhioMHAS explained in the BIA that it worked with the Ohio Department of Medicaid (ODM) and the Ohio Department of Developmental Disabilities (DODD) to ensure the agencies' respective rules and the processes set forth are well-coordinated and not duplicative. The

Departments have engaged stakeholders throughout the rule-making process and will provide a training webinar to the public which will be posted to the OhioMHAS, ODM, and DODD websites.

OhioMHAS-licensed hospitals and psychiatric wards will be impacted by this rule change because the facilities will have to care for patients until the PASRR process is completed, allowing the transfer to a nursing facility. According to the BIA submitted with the rule, it will cost the hospital or psychiatric ward approximately \$1,000 per day for each individual completing the PASRR process. The federal guidelines for conducting preadmission screening recommend completing the screening within seven to nine business days from the time of the request from the facility. Based on the average of a seven day turnaround for screenings and 1,800 screenings per year, the total cost to stakeholders is \$12.6 million per year. OhioMHAS has indicated it plans to implement an expedited screening process that will be completed in 48 hours (instead of seven days) in order to reduce costs to facilities. The PASRR process is a federal requirement and the rule is being amended to comply with the Ohio Revised Code; therefore, the CSI Office has determined the purpose of the rule is justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Mental Health and Addiction Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.