

**ADDENDUM**

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

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** September 3, 2015

**RE:** **CSI Review – Individual Client Records (OAC 5122-27-01, 5122-27-02, 5122-27-03, 5122-27-04, 5122-27-05, 5122-27-06, 5122-27-07, 5122-27-08, 5122-27-09, 3793:2-1-05, and 3793:2-1-06)**

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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 was submitted by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) on July 24, 2015 and originally consisted of nine rules that were being reviewed pursuant to the five-year review requirement in statute. The CSI Office issued a recommendation to the Department on August 25, 2015. Subsequent to the CSI recommendation, the Department realized that two rules had been excluded from the original rule package submitted to the CSI Office. The Department submitted a revised BIA on September 2, 2015, including two additional rules being proposed for rescission (OAC 5122-27-08 and 5122-27-09).

OAC 5122-27-08 pertains to the release of client information and OAC 5122-27-09 addresses the security of clinical records. The rules are being proposed for rescission and the substance of the rules are being added to OAC 5122-27-06 and OAC 5122-26-08.1; rules that the CSI Office has already reviewed.

After reviewing the proposed rule and revised BIA, the CSI Office has determined the purpose of the rules 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.



## MEMORANDUM

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

**FROM:** Sophia Papadimos, Regulatory Policy Advocate

**DATE:** August 25, 2015

**RE:** **CSI Review – Individual Client Records (OAC 5122-27-01, 5122-27-02, 5122-27-03, 5122-27-04, 5122-27-05, 5122-27-06, 5122-27-07, 3793:2-1-05, and 3793:2-1-06)**

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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 nine rules submitted by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) pursuant to the five-year review requirement in statute. This rule package was submitted to the CSI Office on July 24, 2015 and the comment period was held open through August 14, 2015. No comments were received during this time.

The draft rules included in this package pertain to client records. As a result of the consolidation of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services (ODADAS), seven rules are being proposed with amendments<sup>1</sup> and two rules (3793:2-1-05 and 3793:2-1-06) are being proposed for rescission. The proposed rules specifically address client record requirements for providers, including documentation of consent and notification of costs. The draft rules also address progress notes, discharge summaries, and the release of clients' information. Clients must also have individualized treatment plans (ITPs). The

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<sup>1</sup> OAC 5122-27-01, 5122-27-02, 5122-27-03, 5122-27-04, 5122-27-05, 5122-27-06 and 5122-27-07 are being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the rules be rescinded and replaced with new rules with the same rule numbers.

ITP is a collaborative process between the client and service provider based on a diagnostic assessment, a continuing assessment of needs, and the identification of interventions and services appropriate to the individual's diagnosis.

The rules were drafted with the input of OhioMHAS's rules and policy committee. The committee is comprised of individual stakeholders and associations representing client and provider interests. The adverse impact described in the BIA is the time necessary for providers to maintain client records and develop individual treatment plans. The time will vary based on the needs of the client.

After reviewing the proposed rule and associated BIA, the CSI Office has determined the purpose of the rules 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.