

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-1-29

Rule Type: Amendment

Rule Title/Tagline: Operation of regional psychiatric hospital commissaries.

Agency Name: Department of Mental Health and Addiction Services

Division:

Address: 30 East Broad Street Columbus OH 43215

Contact: Lisa Musielewicz **Phone:** 614-995-1958

Email: Lisa.Musielewicz@mha.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 11/29/2021
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? R.C. 5119.36
5. What statute(s) does the rule implement or amplify? R.C. 5119.36
6. What are the reasons for proposing the rule?

The rule requires some updates to reflect changes in hospital operations.

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

The rule establishes procedures for the funding and operation of OhioMHAS's regional psychiatric hospital (RPH) commissaries. The changes are as follows:

1. Clarifies that patient assigned to work in an RPH will, like hospital employees, have their salaries or wages paid from appropriated funds.

2. Specifies that the commissary cash journal, not form DMH FIS 032, will be used to substantiate all charge sales at the commissary.
3. Requires RPHs, before seeking bids from local suppliers for items to sell in RPH commissaries, to determine whether the needed items are available from requisite purchase programs specified in Ohio Department of Administrative Services policy PM-01. Associated with this change, requires the form that the OhioMHAS deputy director must approve to be accompanied with verification that this was done.
4. Requires bids from local suppliers to be obtained at least annually using formal (rather than informal) procedures.
5. Makes stylistic changes to reflect drafting standards in LSC's Rule Drafting Manual.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

It meets the exemptions in R.C. 121.75(B)(1) and (4). Form DMHAS-0205 is available from OhioMHAS's Office of Financial Management, 30 E. Broad Street, 11th Floor, Columbus, OH 43215, 614-466-5060). Ohio Administrative Policy PM-01 is available from the Ohio Department of Administrative Services website: <https://das.ohio.gov/Portals/0/DASDivisions/GeneralServices/Procurement/pdf/PM-01.pdf?ver=2019-01-24-155543-987>.

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. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

Not applicable.

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

Not applicable.

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
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No
17. Does this rule have an adverse impact on business? No
 - 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? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable