

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5122-29-14

**Rule Type:** New

**Rule Title/Tagline:** Mobile response and stabilization service.

**Agency Name:** Department of Mental Health and Addiction Services

**Division:**

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#### **I. Rule Summary**

1. Is this a five year rule review? No
  - A. What is the rule's five year review date?
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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Under R.C. 5119.35(D), the OhioMHAS Director may adopt rules to specify the mental health and alcohol and drug addiction services that are required to be certified under R.C. 5119.36. OhioMHAS recognizes mobile response and stabilization service (MRSS) as one of its certifiable services. (Ohio is one of many states that has implemented this type of service for young people in a crisis situation.) Under R.C. 5119.36(L), the

OhioMHAS Director must adopt standards a person or government entity must meet to be certified to provide the various certifiable services.

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

The rule defines the MRSS service and specifies the standards for certification. OhioMHAS is adding definitions of certain terms used in the rule; modifying the description of the service; clarifying when MRSS may be delivered using a telehealth modality; modifying who is to be a member of the MRSS team; eliminating the requirement that each MRSS provider achieve and maintain a specific minimum benchmark score as a component of overall fidelity within three years of certification; requiring that the organization conducting an annual fidelity review utilize the MRSS provider fidelity tool indicated by OhioMHAS; requiring that data must be collected and submitted as part of MRSS quality improvement activities through the data management system designated by OhioMHAS; clarifying training requirements for MRSS team members and after-hour telephone support persons; specifying when MRSS must be available; requiring who, as part of the MRSS team, must conduct the initial response; requiring that administration of the Ohio Children's Initiative Brief Child and Adolescent Needs and Strengths (CANS) assessment be performed by a certain type of provider; and clarifying the provision regarding consent for provision of the service to align it with R.C. 5122.04 and Ohio's Emergency Care Doctrine.

**9. Does the rule incorporate material by reference? No**

**10. 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.**

*Not Applicable*

**11. 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**

**12. 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.

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Not applicable.

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

If a community behavioral health services provider is an initial applicant that is not nationally-accredited, the current fee for obtaining MRSS certification would be the sum of the following:

--\$1000 (a base fee for all community behavioral health services providers);  
--\$100 for the MRSS service (see O.A.C. 5122-25-08(C)(1); and  
--\$1000 to be certified, as required under the rule being rescinded, for the following services: general services, substance use disorder (SUD) case management services, peer recovery services, community psychiatric supportive treatment, and therapeutic behavioral health services and psychosocial rehabilitation (see O.A.C. 5122-25-08(C)(1)). There may also be administrative costs

**14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

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

This rule does not impose a fee.

**III. Common Sense Initiative (CSI) Questions**

**17. Was this rule filed with the Common Sense Initiative Office? Yes**

**18. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Under R.C. 5119.35, a person or government entity is prohibited from providing an OhioMHAS certifiable service unless the service has been certified under R.C. 5119.36. MRSS is one of OhioMHAS's certifiable services.

- 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**

The text of this rule does not impose a penalty or sanction. However, OhioMHAS has an existing regulatory structure which would incorporate this rule as part of the agency's general compliance practices and policies. See 5119.36(D) (granting certification), 5119.36(G) (revoking and renewing certification), and 5119.36(M) (suspension of admissions).

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule require an MRSS provider to collect data and submit that data to OhioMHAS through the MRSS data management system.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. 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 to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable