

**Rule Summary and Fiscal Analysis (Part A)****Department of Mental Health**

Agency Name

Division

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**5122-29-17**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Community psychiatric supportive treatment (CPST) service.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5119.22, 5119.61(A), 5119.611(C)**

5. Statute(s) the rule, as filed, amplifies or implements: **5119.22, 5119.61(A), 5119.611(C)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To provide clarifying language relative to current requirements addressing the provision of the Community Psychiatric Supportive Treatment (CPST) service and to allow for service provision via interactive videoconferencing.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule defines the Community Psychiatric Supportive Treatment (CPST) service and also identifies what it is not, e.g., it is not a day treatment, partial hospitalization, intensive outpatient, adaptive/habilitative or educational service or program. It also more clearly articulates requirements for provision of the service that are within the limits of related state and federal policies, rules and regulations.

This rule also describes how providers may provide the CPST service via real-time interactive videoconferencing. If utilizing real-time interactive videoconferencing, providers must assure that the equipment used has sufficient speed and resolution to assure quality and must further assure the security of the connection to provide for confidential communication.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Paragraph (A) - 1st paragraph. Removed the words "and restores"

Paragraph (A)- 3rd paragraph. Removed the word "developmental" and added the words "adaptive/habilitative"

Paragraph (H)(1)(b) - Removed the words "outside of the office", relocated the word "primarily" and added the words "in a variety of locations based upon the natural environment(s) of the individual, i.e., home and community locations"

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

Not applicable

This will have no impact on revenues or expenditures. However, as a result of clarifications made in this rule, it is anticipated that agencies will achieve a greater level of compliance with its requirements. Greater compliance with this rule's requirements should result in a more equitable, fair and legal use of existing expenditures as they relate to the provision of the CPST service to all eligible consumers of the service.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

As this rule is being filed solely to provide clarification to existing requirements, there should be no additional costs associated with compliance. Providers who are

already in compliance with the existing requirements will realize no additional costs. Providers who are not currently compliant with existing requirements could incur costs and/or realize a decrease in revenue as a result of attempting to come into compliance. It is not possible to provide a definitive estimate of costs associated with compliance until enforcement of this rule via program integrity efforts at the state level occurs. With regard to interactive videoconferencing, the use of videoconferencing as a method of service delivery is **OPTIONAL**. Therefore, there is **NO** cost of compliance to providers who choose not to utilize this method. Providers who voluntarily choose to use videoconferencing as a method of service delivery will incur some small costs, but national experience indicates that the equipment costs are offset by savings in staffing, e.g., reduction in the travel time of psychiatrists. Additionally, use of videoconferencing should ultimately result in increased utilization of quality outpatient care, thus reducing the amount of more costly inpatient care that is being utilized.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School Districts	(b) Counties	(c) Townships	(d) Municipal Corporations
<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

There is no anticipated additional cost of compliance for School Districts relative to the provision of the CPST service itself. However, compliance with this rule may result in a shift in distribution of taxpayer dollars from the community mental health setting to the educational setting or to the autism scholarship program. It is not possible to provide an estimate in dollars, since any shift in spending is dependent upon provider compliance/non-compliance.

There is no anticipated additional cost of compliance for county mental health boards relative to the CPST service itself. There may even be a cost reduction realized since, as was previously noted, increased compliance with this rule by contract agencies of the mental health boards should result in a more equitable, fair and legal use of existing expenditures as they relate to the provision of the CPST service to all eligible consumers of the service.

With regard to interactive videoconferencing, the cost of compliance by county mental health boards is unknown at this time. The use of videoconferencing by mental health service providers is an OPTIONAL method of providing an existing service, and we are unable at this time to determine with any precision how many providers may choose to utilize this option for the purpose of providing the CPST service.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement,

please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

The use of videoconferencing as a method of service delivery is OPTIONAL. Therefore, there is NO cost of compliance to service providers who choose not to utilize this method. Providers who voluntarily choose to use videoconferencing as a method of service delivery will incur some small costs, but national experience indicates that the equipment costs are offset by savings in staffing, e.g., reduction in the travel time of psychiatrists. Additionally, use of videoconferencing should ultimately result in increased utilization of quality outpatient care, thus reducing the amount of more costly inpatient care that is being utilized.

(a) Personnel Costs

See above

(b) New Equipment or Other Capital Costs

See above

(c) Operating Costs

See above

(d) Any Indirect Central Service Costs

See above

(e) Other Costs

See above

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

As indicated above, the use of videoconferencing is an **OPTIONAL** method of providing an already existing service. Agencies will need to determine on an individual basis if the cost of utilizing this option makes financial sense.

7. Please provide a statement on the proposed rule's impact on economic development.

N/A