

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

Agency Name

Division

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**5122-29-28**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Intensive home based treatment (IHBT) service.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Representative  
Amstutz**

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: **5119.61 (A), 5119.611 (C)**

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

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

The department of mental health (ODMH) is amending this rule in response to deemed status requirements of House Bill 153 (129th General Assembly), to correct a content error, and to update terms and rule references.

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 describes IHBT service, and lists the standards for eligibility for the service, staff qualifications and supervision, and service delivery.

The rule is revised to correct/update terminology and rule references, remove previous paragraph (D) to align with the requirements of House Bill 153 (129th General Assembly) and Ohio Administrative Code 5122-25-03, and correct an error in the current rule in which paragraph (E)(1) [revised rule] is repeated in paragraph (F)(2) [revised rule], and is unrelated to the subject matter of paragraph (F). The correct language is included in the revised version.

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:

The rule references the Ohio Administrative Code, which is generally available to persons via the internet.

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:

Not applicable.

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:

*Not Applicable.*

12. 119.032 Rule Review Date: **11/30/2011**

(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.

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This will have no impact on revenue and expenditures.

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:

The department estimates that this rule filing will not impact the cost of compliance. It will reduce the information an agency seeking certification for the service is required to submit, although any cost savings is believed to be negligible. Agencies voluntarily seek Certification for IHBT, and are not required to do so in order to bill Medicaid as it is not currently a Medicaid reimbursable service. The correct standards for supervision are not expected to impact an agency's cost of compliance, as they offer flexibility.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

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