

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-29-14

Rule Type: Rescission

Rule Title/Tagline: Mobile response and stabilization service.

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? 1/13/2025
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?

OhioMHAS adopted a mobile response and stabilization service (MRSS) rule, O.A.C. 5122-29-14, in 2022. Because OhioMHAS is modifying more than 50% of the rule text, OhioMHAS is proposing to rescind the current rule and replace it with a new rule in accordance with guidance in the LSC Rule Drafting Manual (LSC Rule Unit's "more than 50% rule").

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

This rule defines the mobile response and stabilization service (MRSS) and specifies to whom the service is to be provided and how. It is being rescinded because of the "more than 50% rule" the LSC Rules Unit applies.

- 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.

0.0

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.**

The 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 of the agency's general compliance practices and policies (see R.C. 5119.36(D) (granting certification) and 5119.36(G) (revoking and renewing certification)).

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

Under this current rule, providers must participate in MRSS quality improvement activities including data collection and submission.

- 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**

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