



## RULE MEMORANDUM

Date: November 21, 2014

To: Interested Constituents

From: Howard Henry, Staff Counsel

Subject: Proposed Rule Amendments for:

- Chapter 5122-28 Quality Assurance Activities, Service Evaluation Activities, and Research Activities

The Ohio Department of Mental Health and Addiction Services (OhioMHAS) is proposing the following Ohio Administrative Code rule actions. Please review these draft proposed rule actions and provide any comments you may have **by December 5, 2014. Comments will automatically be forwarded to the Common Sense Initiative Office.**

Pursuant to the requirements of EO 2011-01K and Senate Bill 2 of the 129th General Assembly, which requires state agencies, including OhioMHAS, to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community (as defined by SB2), and provide opportunity for the affected public to provide input on the rules.

As part of the Department's review and consolidation of all rules after combining the Department of Mental Health and Alcohol and the Department of Drug Addiction Services, OAC Chapter 5122-28 has been reviewed and changes necessary to incorporate both mental health and alcohol and other drug (AoD) services have been made.

All of the rules in the Chapter have been amended to reflect both mental health and AoD services, to use the term "provider" instead of "agency"; and where appropriate references to the Revised Code have been updated. 5122-28-04 is being amended to remove a permissive statement regarding outcome reporting that was unnecessary in the rule. New paragraph (D) has been added in consultation with stakeholders to remove the requirement that clients be discharged after a set period of inactivity. In some settings clients may go extended periods without seeing or being in contact with a provider, and requiring treating the client as new in those circumstances serves no clinical purpose and imposes a burden on both the provider and the client. The amended rule allows for providers to not discharge clients, but does not change the requirement for reporting set by R.C. 5119.61.

The rules have been submitted to the CSI office for review; and comments regarding the rules can be submitted through the link on the OhioMHAS website. Comments submitted through the link will be sent to OhioMHAS and the CSI office. Comments may be sent directly to [CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov) or [MH-SOT-rules@mha.ohio.gov](mailto:MH-SOT-rules@mha.ohio.gov).