



RULE MEMORANDUM

Date:

To: Interested Constituents

From: Howard Henry, Staff Counsel

Subject: Proposed Rule Amendments for:

- Construction Assistance for Community Mental Health Facilities

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 September 17, 2014**.

The rules in Chapter 5122:3-1, Construction Assistance for Community Mental Health Facilities, are due for their statutorily required five-year review as set forth in R.C. 119.032. The rules in the chapter have been reviewed and it is proposed that they be modified, rescinded, or renewed as set forth below.

The proposed rule actions are listed below, and complete information regarding the proposed changes can be found at: <http://mha.ohio.gov/Default.aspx?tabid=251>.

Comments may be sent MH-SOT-rules@mha.ohio.gov.

Construction Assistance for Community Mental Health Facilities

Rule Number	Title	New, Amended, No Change or Rescinded Rule	Summary of Major Proposed Changes/Rule Subject
5122:3-1-01	Definitions.	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Updating terms to be current with statute and usage. • Removed references to statute that are no longer necessary.
5122:3-1-02	Responsibility of the department.	<ul style="list-style-type: none"> • Amended (filing as New) 	<ul style="list-style-type: none"> • Paragraph (A) sets forth the requirement that the Director set priorities for programs and facilities based on



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			<p>the program and services needs of the community, this requirement was formerly in 5122:3-1-03</p> <ul style="list-style-type: none"> • Paragraph (B) is updated with new statutory references and text that identifies the purpose of the paragraph.
5122:3-1-03	Submission of community capital plan and development of application.	<ul style="list-style-type: none"> • New 	<ul style="list-style-type: none"> • Replaces former 5122:3-1-03 • The rule requires that each board submit a community capital plan to function as a pre-application for community construction assistance funds. • The Director shall identify projects in submitted plans that align with the priorities set in 5122:3-1-02 and work with the identified project lead in developing applications for funding.
5122:3-1-04	Selection of projects.	<ul style="list-style-type: none"> • Rescinded 	<ul style="list-style-type: none"> • The rule is being rescinded as its function is now fulfilled by 5122:3-1-03
5122:3-1-05	Requirements for project approval.	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Removing the required assurances of project start times and requirements regarding unnecessary



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			reporting.
5122:3-1-06	Department approval of project.	<ul style="list-style-type: none"> Amended 	<ul style="list-style-type: none"> Updated paragraph (A) to be consistent with 5122:3-1-02. Paragraph (B) added a waiver provision for certain parts of application requirements when an applicant would otherwise meet all requirements. Paragraph (C) simplifies the approval notice process. Paragraph (D) is removed as it is no longer required.
5122:3-1-07	Selection of architect or engineer (A/E).	<ul style="list-style-type: none"> Amended 	<ul style="list-style-type: none"> Amended to clarify that R.C. 153. applies to all projects that use any amount of funding under this program, not just projects that receive all of their funding from this program.
5122:3-1-09	Standards of construction; design criteria.	<ul style="list-style-type: none"> Amended 	<ul style="list-style-type: none"> Design criteria language is removed as projects are already required to be in compliance with all applicable state statutes.
5122:3-1-10	Project cost confirmation.	<ul style="list-style-type: none"> No Change 	<ul style="list-style-type: none"> No Change
5122:3-1-11	State participation in project cost.	<ul style="list-style-type: none"> Amended 	<ul style="list-style-type: none"> Grammatical fix.
5122:3-1-12	Project cost adjustments.	<ul style="list-style-type: none"> Amended 	<ul style="list-style-type: none"> Amended to clarify that rule applies if state or federal funding is being used



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			for any portion of the construction.
5122:3-1-13	Real property.	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Removed DAS/GSA language. • Grammatical fix to insert “shall be” in paragraph (B). • Removed unnecessary requirements regarding the securing the state’s interest in the real property.
5122:3-1-14	State funds reimbursement.	<ul style="list-style-type: none"> • No Change 	<ul style="list-style-type: none"> • No Change
5122:3-1-15	Civil rights; affirmative action.	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Updated statutory references.
5122:3-1-16	Appeals.	<ul style="list-style-type: none"> • No Change 	<ul style="list-style-type: none"> • No Change
5122:3-1-17	Waivers and variances.	<ul style="list-style-type: none"> • Amended 	<ul style="list-style-type: none"> • Amended to give the Director the ability to waive participation by the board in certain projects.