

*****DRAFT - NOT FOR FILING*****

To Be Rescinded

5122-3-01 Consultation with constituencies affected by rules.

(A) Purpose.

The purpose of this rule is to establish procedures by which the department of mental health will notify and consult with relevant constituencies that may be affected by rules, standards, and guidelines issued by the department.

(B) Application.

This rule shall apply to all rules, standards, and guidelines issued by the department.

(C) Definitions.

- (1) "Board" has the same meaning as community mental health board (CMH) or board of alcohol, drug addiction and mental health services (ADAMH) as defined in Chapter 340. of the Revised Code.
- (2) "Consultation" means the process described in this rule for communications between the department and relevant constituencies prior to the establishment of rules, standards, and guidelines. Such communications may be written or oral, in group or individual meetings, by review of proposals or responses, or other appropriate methods.
- (3) "Department " means the Ohio department of mental health.
- (4) "Guideline" means a written set of principles by which to make a judgment or determine a course of action and which is required to be issued by the department under Chapter 340. or 5119. of the Revised Code.
- (5) "Rule" as defined by division (C) of section 119.01 of the Revised Code, means a written statement having a general and uniform operation, adopted under Chapter 119. of the Revised Code, and enforced by the department under the authority of the laws governing the department.
- (6) "Standard" means those standards required to be adopted as rules under Chapter 5119. of the Revised Code pursuant to division (G) of section 5119.01, section 5119.20, division (G) of section 5119.22, and division (E) of section 5119.611 of the Revised Code.

(D) Consultation.

Prior to amending, adopting or rescinding any rule, standard or guideline, the department shall notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health. These constituencies shall include consumers of mental health services and their families, and may include public and private providers, boards, employee organizations, and others when appropriate.

Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation shall occur prior to the commencement of proceedings under Chapter 119. of the Revised Code.

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- (E) Methods of consultation with relevant constituents prior to issuing guidelines not subject to proceedings under Chapter 119. of the Revised Code may include, but not be limited to, one or more of the following:
- (1) Seek input from one or more relevant constituents that have previously expressed an interest in a certain rule or standard.
 - (2) Convene a committee, inviting participation of representatives of relevant constituents.
 - (3) Any other method as may be determined appropriate based upon the subject matter of the rule.
- (F) Methods of consultation with relevant constituents when proposing the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code may include, but not be limited to, one or more of the following:
- (1) The department will maintain a section on the Ohio department of mental health internet website to post draft rules in order to consult with constituents prior to commencing proceedings under Chapter 119. of the Revised Code. The department will notify by e-mail relevant constituents of the posting of a draft rule, and the opportunity to provide comments for a defined period of time. In an emergency, the department may proceed directly to filing a rule under Chapter 119. of the Revised Code. An emergency includes, but is not limited to, when a delay in the issuance of a rule or standards may likely prevent compliance with federal and state laws or regulations, impede utilization of appropriated funds, pose a serious risk to the provision of mental health services or the rights of consumers, or would unnecessarily delay a regulatory reduction effort of the department.
 - (2) Seek input from one or more relevant constituents that have previously expressed an interest in a certain rule or standard.
 - (3) Convene a committee, inviting participation of representatives of relevant constituents.
 - (4) Any other method as may be determined appropriate based upon the subject matter of the rule.