

5122-1-02 Notification and consultation with constituencies affected by rules, standards, and guidelines.

(A) Definitions.

(1) "Board" means any board authorized pursuant to Chapter 340. of the Revised Code, such as a board of alcohol, drug addiction, and mental health services; an alcohol and drug addiction services board ; or a community mental health board.

(2) "Consultation" means the process described in this rule by which the department seeks information from 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 and addiction services.

(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.

(B) Procedure for adopting rules, standards, and guidelines:

This paragraph sets forth the procedure that shall be used by the department when taking actions with respect to rules, guidelines, or standards.

(1) The department identifies rules, standards, or guidelines in need of either a change (amendment, rescission, or a new rule) or a rule due for the statutorily required five-year review, stakeholders may also propose changes or requests reviews of rules.

(2) The department develops proposals internally. During this development phase the department may consult with clinical roundtables and individual stakeholders, convene public meetings, or create ad-hoc committees.

(3) Upon internal approval of a proposal, the department shall then conduct a notification and consultation period by posting the proposal to the department's draft rules website and notifying stakeholders through the department's "adminrules" email list. The notification and consultation period shall be fourteen calendar days, unless circumstances require a different duration, and stakeholders may provide input for the department's consideration during this period.

(4) If the proposed rules have an adverse impact on business, as defined by section [107.52](#) of the Revised Code, the notification and consultation period may run concurrently with the review of the rule proposal by the common sense initiative office (CSIO) as warranted by the subject matter of the rule. If the notification and consultation period and the CSIO review run concurrently, the proposal shall be posted to the draft rules website with the business impact analysis (BIA) and the review period shall be a minimum of fifteen business days.

(5) During the notification and consultation period the department may use additional means beyond the email list to gather stakeholder input. The department may meet with individual stakeholders, convene public meetings, hold public hearings, or create ad-hoc committees.

(6) The department shall review all input received during the notification and consultation period, and may change the proposal as warranted.

(7) At the completion of the notification and consultation period, rules that were not submitted to CSIO concurrently with the notification and consultation period and which have an adverse impact shall be submitted for review by the CSIO for a minimum of fifteen business days and the BIA shall be posted to the draft rules website.

(8) Once the proposed rules have passed through the notification and consultation period and the CSIO review, if applicable, the proposed rules may be filed in accordance with either section [111.15](#) of the Revised Code or section [119.03](#) of the Revised Code. Public hearings shall be noticed and conducted in accordance with the statutory provisions under which the rules are promulgated.

Proposed guidelines and standards may be adopted as effective at the conclusion of the notification and consultation period. Changes made to rules, guidelines, or standards after the notification and consultation period or the CSIO review do not require another notification and consultation period.

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Promulgated Under: [119.03](#)

Statutory Authority: [5119.10](#)

Rule Amplifies: [5119.10](#), [5119.21](#), [5119.41](#), [119.03](#), [111.15](#)

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