

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 15. CONSUMERS RIGHTS**

RULE IMPACT STATEMENT

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:15-1-2 Definitions [MODIFIED]

SUBCHAPTER 3. CONSUMER RIGHTS

450:15-3-20.1 Consumer rights regarding confidentiality of mental health and drug or alcohol abuse treatment information [MODIFIED]

450:15-3-20.2 Validity of written consent [NEW]

450:15-3-60 Right to access designated record set from facilities operated by ODMHSAS [MODIFIED]

PURPOSE OF THE PROPOSED RULES: In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE: Persons receiving services from programs operated by, under contract with, or certified by ODMHSAS. In addition, treatment programs and their employees that are operated by, under contract with, or certified by ODMHSAS will be affected.

CLASSES PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES: Consumers of mental health and substance abuse services who receive those services from treatment programs that are operated by, under contract with or certified by ODMHSAS will benefit.

PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON THE AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS: ODMHSAS does not anticipate the proposed rules will increase costs to this Department or any affected parties.

PROBABLE COSTS AND BENEFITS TO ODMHSAS AND ANY OTHER AGENCY FOR IMPLEMENTING AND ENFORCING THE PROPOSED RULES AS WELL AS, ANY ANTICIPATED EFFECT ON STATE REVENUES: ODMHSAS does not anticipate any economic impact on any affected classes of persons.

DETERMINATION WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT UPON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING AND ENFORCING THE PROPOSED RULES: ODMHSAS does not anticipate these rules will have an economic

impact upon any political subdivision or require their cooperation to implement or enforce the proposed revisions to the rules.

DETERMINATION WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: These rules are cost neutral. They are designed to protect individual rights. There is no cost associated with the recommended changes.

MEASURES ODMHSAS HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES: Throughout the year ODMHSAS staff gather relevant information via on-site reviews, advocacy investigations, performance improvement activities and public forums such as regional planning boards that consist of volunteer Oklahoma citizens. Additionally, ODMHSAS staff meets regularly with stakeholders in order to communicate the planned actions of the Department concerning rulemaking, as well as other issues.

EFFECT OF THE PROPOSED RULES ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT: The rules are designed to protect consumers from abuses, neglect and mistreatment by staff. They are created to provide rules for providers to ensure that consumers are receiving services that promote safe, humane environments. ODMHSAS anticipates these rules will enhance the quality of advocacy services for individuals utilizing services provided by the Department or by entities with which ODMHSAS contracts or certifies.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED: Chapter 15 rules are necessary to protect those who may not be able to protect themselves. If not implemented, ODMHSAS advocacy response and oversight for the rights of individuals utilizing services provided by the Department or those provided by entities with which ODMHSAS contracts will not be optimized.

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