

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

**RULE IMPACT STATEMENT**

**CHAPTER: 16  
STANDARDS AND CRITERIA FOR  
COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES**

**PROPOSED RULES:**

**SUBCHAPTER 1. GENERAL PROVISIONS**

450:16-1-2 Definitions [AMENDED]

450:16-1-4 Annual review of standards and criteria [REVOKED]

**SUBCHAPTER 5. SERVICES**

450:16-5-1. Continuity of care agreements, other service providers [AMENDED]

**SUBCHAPTER 17. SECURITY AND DISCLOSURE OF RESIDENT INFORMATION**

450:16-17-3.1 Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

450:16-17-4 Validity of written consent [REVOKED]

**SUBCHAPTER 21. PERSONNEL, STAFFING AND TRAINING**

450:16-21-4 Residential care staff training requirement, administrator [AMENDED]

**1. BRIEFLY DESCRIBE THE PURPOSE OF THE PROPOSED RULES.**

In accordance with the Administrative Procedures Act these proposed rules are part of the Department's review of Title 450 and implements 43A O.S. § 3-315, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify community residential mental health programs. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

**2. DESCRIBE THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED FROM PRIVATE OR PUBLIC ENTITIES.**

Consumers and family members who utilize community residential mental health programs and providers, owner or operators of these programs.

**3. DESCRIBE THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.**

Consumers who utilize community residential mental health programs, employees of the programs and the providers, owners or operators of these programs.

**4. DESCRIBE THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON THE AFFECTED CLASSES OF PERSONS OR POLITICAL**

**SUBDIVISIONS, INCLUDE A LISTING OF ALL FEE CHANGES AND WHENEVER POSSIBLE, JUSTIFICATION FOR EACH.**

ODMHSAS does not anticipate that the proposed revision to these rules will increase costs to this Department or other affected parties.

- 5. SPECIFY THE PROBABLE COSTS AND BENEFITS TO ODMHSAS AND TO ANY OTHER AGENCY FOR IMPLEMENTING AND ENFORCING THE PROPOSED RULES AS WELL AS, ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES, IF SUCH CAN BE PROJECTED.**

Organizations certified to provide community residential mental health programs will not realize an economic impact as these proposed rules do not significantly alter current mandates.

- 6. DETERMINE 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.

- 7. DETERMINE IF IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES.**

ODMHSAS has determined these rule revisions will not have an adverse effect on small businesses.

- 8. EXPLAIN THE 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, contract compliance verification, performance improvement activities and public forums. Additionally, ODMHSAS staff meets regularly with stakeholders in order to communicate the planned actions of the Department concerning rulemaking, as well as other issues. While it is difficult to balance the needs of our consumers with those of the various providers, the Department proposes rules with each of these issues and interests considered.

- 9. DETERMINE THE 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, EXPLAIN THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.**

ODMHSAS anticipates these rules will enhance the quality of services for consumers who utilize community residential mental health programs.

**10. DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.**

Community residential mental health programs provide essential alternatives to citizens with serious mental illnesses who want and need community-based residential care. The programs provide a public health service by assuring quality care and safe housing for persons who have on-going and serious mental illnesses.

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