



## Promoting wellness and recovery

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Pursuant to section 119.03 of the Ohio Revised Code, the Ohio Department of Mental Health and Addiction Services (OhioMHAS) will hold a public hearing for the purpose of accepting testimony on the proposed changes to the following capital rules:

- O.A.C. 5122:3-1-01 – Definitions.
- O.A.C. 5122:3-1-02 – Responsibility of the department.
- O.A.C. 5122:3-1-03 – Submission of community capital plan and development of application.
- O.A.C. 5122:3-1-05 – Requirements for project approval.
- O.A.C. 5122:3-1-06 – Department approval of project.
- O.A.C. 5122:3-1-07 – Selection of architect or engineer (A/E).
- O.A.C. 5122:3-1-09 – Standards of construction.
- O.A.C. 5122:3-1-10 – Project cost confirmation.
- O.A.C. 5122:3-1-11 – State participation in project cost.
- O.A.C. 5122:3-1-12 – Project cost adjustments.
- O.A.C. 5122:3-1-13 – Real property.
- O.A.C. 5122:3-1-14 – State funds reimbursement.
- O.A.C. 5122:3-1-15 – Civil rights; affirmative action.
- O.A.C. 5122:3-1-16 – Appeals.
- O.A.C. 5122:3-1-17 – Waivers and variances.

RULE	SUMMARY OF MAJOR PROPOSED CHANGES
O.A.C. 5122:3-1-01 – Definitions.	<p>The rule specifies the definitions for the O.A.C. chapter pertaining to construction assistance for community behavioral health facilities (O.A.C. Chapter 5122:3). The proposed changes:</p> <p>1. Make stylistic and technical changes to reflect drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission; (2) update definitions to reflect terms used in the Revised Code or as used by OhioMHAS, specifically:</p> <p>(G) - Replaces a reference to "office" with "bureau" to reflect the correct name of the unit within OhioMHAS;</p> <p>(R) - Adds a definition of "mental illness" and makes it the same as the one used in the Revised Code;</p> <p>(Y) - Adds a definition of "substance use disorder" and makes it the same as the one used in the Revised Code (R.C. 5119.27), which reflect the definition used in federal regulations.</p>
O.A.C. 5122:3-1-02 - Responsibility of the department.	<p>The rule requires the OhioMHAS Director to set priorities for programs and facilities based on the program and services needs of the community. It also specifies that OhioMHAS, subject to Controlling Board approval, is the final authority for approval of applications for and distribution of state funds for community capital facilities to help people with behavioral health needs. The rule is being amended to bring it into</p>

RULE	SUMMARY OF MAJOR PROPOSED CHANGES
	conformance with drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-03 – Submission of community capital plan and development of application.	The rule requires that each alcohol, drug, and mental health services (ADAMHS) board submit a community capital plan to function as a pre-application for community construction assistance funds. The Director must identify projects in submitted plans that align with the priorities in O.A.C. 5122:3-1-02 and work with the identified project lead in developing applications for funding. The rule is being amended to bring it into conformance with drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-05 – Requirements for project approval.	The rule sets forth the requirements for project approval. It is being amended to (1) exempt from certain property title and possession requirements for OhioMHAS capital assistance a piece of property (a) being leased for at least a 30-year term or (b) that has been granted a waiver from the chief of OhioMHAS's Bureau of Capital Planning and Management or the chief's designee and (2) bring the rule into conformance with drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-06 – Department approval of a project.	The rule sets forth OhioMHAS's approval procedure for projects. The rule is being amended to bring it into conformance with drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-07 – Selection of architect or engineer (A/E).	The rule requires that projects using state funding follow statutory requirements for selecting architects or engineers. The rule is being amended to clarify that guidelines referenced within it refer to OhioMHAS's Community Capital Assistance Projects Process Guidelines.
O.A.C. 5122:3-1-09 – Standards of construction.	The rule sets forth the standards of construction requirements for projects funded under O.A.C. Chapter 5122:3. The rule is being amended to bring it into conformance with drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-10 – Project cost confirmation.	The rule requires the submission of estimated budgets prior to the approval of bid documents in state-aided construction programs. The rule is being amended to clarify that guidelines referenced in the rule refer to OhioMHAS's Community Capital Assistance Projects Process Guidelines and make stylistic and technical changes to reflect drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-11 – State participation in project cost.	The rule sets forth the state participation in the project cost determination procedure. It is being amended to remove a tax evaluation as an example of an indicator of property value for an applicant's share of approved project costs.
O.A.C. 5122:3-1-12 – Project cost adjustments.	The rule sets forth when and how project costs may be adjusted. The rule is being amended to make stylistic and technical changes to reflect drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1-13 – Real property.	The rule sets forth the circumstances under which OhioMHAS may participate in the cost of real property. The amended rule clarifies that guidelines referenced in the rule refer to OhioMHAS's Community Capital Assistance Project Process Guidelines. The amended rule is also eliminating the need for OhioMHAS's approval before equipment on property is sold.
O.A.C. 5122:3-1-14 – State funds reimbursement.	The rule sets forth the requirements for reimbursement by the state for projects undertaken under O.A.C. Chapter 5122:3.

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O.A.C. 5122:3-1-15 - Civil rights; affirmative action.	The rule sets forth the applicable civil rights and affirmative action statutes for projects undertaken under O.A.C. Chapter 5122:3. The amended rule (1) corrects in paragraph (A) a cross-reference, as well as references executive orders as having anti-discrimination provisions (in addition to R.C. provisions), and (2) makes stylistic and technical changes to reflect drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.
O.A.C. 5122:3-1- 16 - Appeals.	This rule sets forth the appeals process for decisions made rules in O.A.C. Chapter 5122:3. The amended rule makes stylistic and technical changes to reflect the drafting standards in the <i>Rule Drafting Manual</i> published by Ohio Legislative Service Commission.
O.A.C. 5122:3-1-17 - Waivers and variances.	The rule sets forth the conditions under which OhioMHAS may grant waivers or variances. The amended rule makes stylistic and technical changes to reflect drafting standards in the <i>Rule Drafting Manual</i> published by the Ohio Legislative Service Commission.

The public hearing will be held at 3 pm on Monday, October 31, 2022, in Room 3602 of the Rhodes State Office Tower located at 30 East Broad Street, Columbus, Ohio, 36<sup>th</sup> Floor. At this hearing, OhioMHAS will accept verbal and written testimony on the rules under consideration.

The hearing will be conducted in accordance with Chapter 119 of the Ohio Revised Code. Any person affected by the rules may appear and be heard in person, by his or her attorney, or both; may present his or her position, arguments, or contentions, orally or in writing; offer and examine witnesses; and present evidence tending to show that the rules, if adopted or effectuated, will be unreasonable or unlawful.

To obtain copies of these rules, please visit the Register of Ohio: [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us).

Persons may also submit written testimony in lieu of appearing at the public hearing. Written testimony sent by mail must be postmarked no later than the day of the hearing. Written testimony transmitted by email must be received no later than 5 pm on the day of the hearing. Written testimony may be mailed to: Ohio Department of Mental Health and Addiction Services, Division of Legal Services, Attention: Lisa Musielewicz, 30 East Broad Street, 36<sup>th</sup> Floor, Columbus, Ohio 43215-3430; or emailed to [MH-SOT-rules@mha.ohio.gov](mailto:MH-SOT-rules@mha.ohio.gov).

Video link - [Click here to join the meeting](#)