

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

RULE IMPACT STATEMENT

PROPOSED RULES:

SUBCHAPTER 1. GENERAL PROVISIONS

450:15-1-1 Purpose [AMENDED]

450:15-1-2 Definitions [AMENDED]

SUBCHAPTER 3. CONSUMER RIGHTS

Part 1. Mental Health and Drug or Alcohol Abuse Services Consumer Bill of Rights

450:15-3-8 Right to freedom from mistreatment, abuse and neglect
[AMENDED]

Part 3. Consumer Grievance Procedure

450:15-3-45 Consumer grievance policy and procedures [AMENDED]

Part 11. Resident Rights, Mental Health Residential Care Facilities

450:15-3-81 Resident rights [AMENDED]

SUBCHAPTER 7. OFFICE OF CONSUMER ADVOCACY [AMENDED]

Part 1. Duties [AMENDED]

450:15-7-2 Office of Consumer Advocacy purpose and authority
[AMENDED]

450:15-7-3 Advocate General [AMENDED]

450:15-7-4 ODMHSAS facility advocacy [AMENDED]

Part 2. Investigations

450:15-7-6 Reporting suspected maltreatment [AMENDED]

450:15-7-7 Administrator's responsibilities regarding allegations
reportable to the Office of Consumer Advocacy [AMENDED]

450:15-7-8 Processing reports of maltreatment received by the Office of
Consumer Advocacy [AMENDED]

450:15-7-9 Investigation procedures [AMENDED]

450:15-7-10 Rights and responsibilities of accused individuals
[AMENDED]

450:15-7-11 Responsibilities [AMENDED]

450:15-7-12 Educational employees [AMENDED]

450:15-7-14 Investigative interviews [AMENDED]

450:15-7-15 Investigative report and findings [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 annual review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

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.** Persons receiving services from programs operated by, under contract with, or certified by ODMHSAS. In addition, treatment programs and their employee's that are operated by, under contract with, or certified by ODMHSAS.
3. **DESCRIBE THE CLASSES OF 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.
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 any economic impact on any affected classes of persons.
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.** ODMHSAS does not anticipate the proposed rules will increase costs to this Department or any affected parties.
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 an economic impact on 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 economic impact 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, 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.

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.** The proposed rules are designed to protect consumers from abuse, 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.
10. **DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.** The proposed 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.

DATE PREPARED:

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