

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-29-09

Rule Type: Amendment

Rule Title/Tagline: Residential and withdrawal management substance use disorder services.

Agency Name: Department of Mental Health and Addiction Services

Division:

Address: 30 East Broad Street Columbus OH 43215

Contact: Emily Henry **Phone:** 614-752-8365

Email: Emily.Henry@mha.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 12/9/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5119.36
5. **What statute(s) does the rule implement or amplify?** 5119.36
6. **What are the reasons for proposing the rule?**

This rule sets forth the requirements of the residential and withdrawal management substance use disorder services.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule is being amended to add programmatic details regarding the American Society of Addiction Medicine (ASAM) residential levels of care. This is being done in support of the substance use disorder 1115 waiver between the Center for Medicaid

and Medicare Services (CMS) and the Ohio Department of Medicaid (ODM). A copy of the approved waiver is available <https://bh.medicaid.ohio.gov/SUD-1115>.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.0

Not applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Each provider of this service must assure that their clinical supervisor staff are fully trained. Cost per eight hour course provided by ASAM is \$199.00 per person.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Service providers must meet the requirements of this rule in order to be certified to provide the service.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

There will be a need to train staff, at an approximate cost of \$199 per person

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable