

Rule Summary and Fiscal Analysis (Part A)**Department of Mental Health and Addiction Services**

Agency Name

Division

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5122-29-09

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Residential, withdrawal management, and inpatient substance use disorder services.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **5119.36**
5. Statute(s) the rule, as filed, amplifies or implements: **5119.36**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

As part of the merger of the Ohio Department of Mental Health (ODMH) and the Ohio Department Alcohol and Drug Addiction Services (ODADAS), the Department of Mental Health and Addiction Services (MHAS) is combining and updating the definitions of services provided by certified service providers. As part of this process MHAS has focused on updating content to be consistent with current practice and wherever practical remove the distinctions between mental health (MH) and alcohol and other drug services (AOD)/substance use disorder (SUD). This work is also being done in conjunction with the Ohio Department of Medicaid Behavioral Health Redesign project, and changes to service rules have been made to remain consistent with the Redesign.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This is a comprehensive substance use disorder residential and inpatient service. This was developed through discussions with stakeholders about simplifying the services and modernizing the approach. The rule follows the national ASAM standards in this field and make rules 5122-29-36 and 5122-29-37 obsolete.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Not applicable.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

The rule incorporates the standards of the American Society of Addiction Medicine (ASAM), which are published as "The ASAM Criteria". This publication is a copyrighted book and is infeasible to attach to a rule filing. However, the incorporated version has become the standard for addiction medicine and any provider in this field would have no difficulty obtaining the publication and adhering to the standards.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

The rule is being refiled to fix an issue that had potential to cause uncertainty when the rule was effective. The rule was ambiguous as to the distinction between residential, inpatient, and withdrawal management services. The title of the rule and paragraph (A) have had clarifying edits added to show that withdrawal management is a distinct service and type of level of care. The rest of the rule has been edited to be consistent with this change.

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.0

There is no impact on revenues or expenditures.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

not applicable

15.

Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There is no new cost of compliance for this rule. This rule combines the requirements of 5122-29-36, 5122-29-37, and 3793:2-1-08(U), V), (Y), and (Z). There should be operational efficiencies created by going to an ASAM level of care model, a standard that has been adopted by the field in general.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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

This rule is part of the certification standards which require compliance to remain certify in order to receive certain types of payment.

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**