

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-29-15.1
Rule Type: Amendment
Rule Title/Tagline: Certified peer recovery supporter.
Agency Name: Department of Mental Health and Addiction Services
Division:
Address: 30 East Broad Street Columbus OH 43215
Contact: Howard Henry
Email: Howard.Henry@mha.ohio.gov **Phone:** 614-752-8365

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 7/1/2021
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?**

The peer recovery service and peer recovery supporter certification have been in effect since 2016, and operational improvements have been found in the program and are being implemented through rule change.

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

Since the rule's initial adoption in 2016, there have been concerns about peer recovery supporters acting as independently certified professionals. This is not what the certification is intended for, and these changes are correcting that. Supervision

requirements have been moved to this rule to make that clear. A three year exclusion period has been added for those who have had their certification revoked or denied.

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. 121.71 to 121.76, 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.**

Updating the RSFA to reflect the exclusion period in paragraph (G).

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.0

There is no impact on revenues or expenditures.

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

The cost of compliance for this rule change is the addition of the supervision requirement. The required supervision is a cost that is a normal cost of business, and aside from a sole operator, would be a part of an employee cost. Nevertheless, despite the cost of supervision for peer recovery supporters, this is not intended to be an independent credential and certified individuals must work within a supervisory structure.

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**

III. Common Sense Initiative (CSI) Questions

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

16. 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

To work as a peer recovery supporter in a certified peer recovery provider, an individual must obtain this certification first. Individuals may provide peer services outside of the state payment system without obtaining certification.

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? Yes

Paragraph (G) imposes an exclusion period of three years after certification has been denied or revoked, during which a person is ineligible to apply for certification. Individuals may request consent from the Department to apply during this time period.

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