

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

Agency Name

Division

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5122-29-15

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Peer recovery 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:

The Centers for Medicare and Medicaid Services (CMS) issued federal guidance in 2007 stating the Peer Services may only be paid for by Medicaid if the state has a certification process. Ohio Mental Health and Addiction Services has worked closely with Ohio Department of Medicaid to develop and submit a 1915(i) program as a state plan amendment which would add Peer Services to the menu of Medicaid Billable services for individuals in the behavioral health system. The rules in this package, the new 5122-29-15 and companion 5122-29-15.1, set forth a CMS compliant Peer service that will allow individuals to become certified to provide peer services and OhioMHAS certified providers to be reimbursed by

Medicaid for those services.

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 rule defines the certified peer service, similar to the manner in which the other rules in OAC Chapter 5122-29 define individual services. The rule defines a minimal list of expected activities, and where and who may provide and supervise the service. Providing the service is limited to those who are certified peer recovery supporters as defined in OAC 5122-29-15.1 and supervision is limited to those listed in this rule.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

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:

Not Applicable.

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 will be fiscal impact to the Department. The Department is not charging individuals for the professional certifications and is administering the service as part of normal budgeted operations.

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:

The cost of adding the peer recovery service for a community mental health or addiction service provider is expected to be nominal beyond the cost of the employee and related business expenses. Certification fees, as set forth in OAC 5122-25-08, are dependent on the provider's budget for the service. Providers would only incur any additional certification fee if their budget for the service is over \$75,000 annually. Additionally, nearly all providers who will be providing this service will be doing so as a Medicaid billable service, and should have the cost of certification built into their business expense model.

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**

Providers must comply with the rule in order to provide the certified service and be eligible for Medicaid billing.

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**