

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5122-40-03

Rule Type: Amendment

Rule Title/Tagline: Issuance of licenses.

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?** 6/1/2018
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 111 - 132
- Rep. Carfagna, Rep. Ryan
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5119.391
5. **What statute(s) does the rule implement or amplify?** 5119.391
6. **What are the reasons for proposing the rule?**

The current methadone licensure rules in OAC Chapter 5122-40 were updated in June of 2017, concurrent with a change in statutory authority. The statutory authority in ORC 5119.391 expanded the scope of the methadone licensure program and the rules were updated to reflect that change. HB 111 again changes the statutory authority for the program, expanding it from a methadone only licensure to an opioid treatment program license. The changes in the rules are based both to accommodate stakeholder feedback since June 2017 and incorporate changes in the statutory authority.

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

This sets forth the requirements for licenses to be issued by the Department. A clarification has been added that a renewal application must be received ninety days prior to the end of the current license.

- 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.**

Changed (E) to a "licensed provider." Removed "not renewable" from (K)(2). Added other entities to (L)(11) and (12) to be compliant with statutory authority. Added (L) (13), making a failure to notify the Department of adverse good standings actions as a reason to deny or revoke a license.

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

Not applicable.

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

There is no cost of compliance for this rule, it sets forth Department procedure.

- 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

This chapter and its statutory authority require Opioid Treatment Programs to be licensed and follow the standards set forth in these rules in order to operate.

- 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