

**MEMORANDUM**

**TO:** Howard Henry, Ohio Department of Mental Health & Addiction Services

**FROM:** Mark Hamlin, Director of Regulatory Policy

**DATE:** June 22, 2015

**RE:** **CSI Review – Service Certification and Prevention Service (OAC 5122-25-01, 02, 03, 04, 05, 06, 07, and 08; 5122-26-01, 02, 03, 04, 06, 08, 08.1, 09, 11, 12, 13, 14, 15, 16, 16.1, 16.2, 17, and 18; 5122-29-12, 20, and 30; 3793:2-1-01, 3793:2-1-01.1, 3793:2-1-02, 3793:2-1-03, 3793:2-1-04, and 3793:2-1-07; Chapter 3793:4-1; and Chapter 3793:5-1)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of 44 rules (6 new, 23 amended,<sup>1</sup> and 15 rescinded) submitted by the Ohio Department of Mental Health & Addiction Services (Ohio MHAS). All of the existing rules have been reviewed pursuant to the statutory five-year review requirement. The package focuses on the certification of providers' services in both the mental health and alcohol/drug addiction arenas, and many of the proposed changes represent rule consolidations resulting from the 2013 consolidation of the Ohio Department of Mental Health and the Ohio Department of Alcohol & Drug Addiction Services. The rules were submitted to the CSI Office on May 5, 2015 and the comment period closed on May 27, 2015. Four comments were submitted during the CSI review period, but all were from internal stakeholders (three separate comments from an Ohio MHAS employee and one comment from the Ohio Chemical Dependency Professionals Board), and none

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<sup>1</sup> Four rules are being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the existing rules be rescinded and replaced by new rules that have the same rule numbers.

of them related to the impacts of the rules to business.

The BIA submitted by the Department describes a robust stakeholder outreach process that began in 2014 and lasted into April of 2015. The primary impacts in the existing rules are the fees charged by the Department for certifications, and this rule package proposes a number of changes to the fee structure. According to the Department in the BIA, the proposed changes are intended to be revenue neutral, but do create new costs for certain providers. Fees are required by statute, and the impacts are described in detail in the BIA. The Department explains and justifies the impacts, and the CSI Office agrees that the rule package is justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that Ohio MHAS should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.