

**MEMORANDUM**

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

**FROM:** Travis Butchello, Regulatory Policy Advocate

**DATE:** April 13, 2017

**RE:** **CSI Review – Waiting List for Alcohol and Drug Addiction Services (OAC 5122-8-01)**

---

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**

The proposed rule package submitted by the Ohio Department of Mental Health and Addiction Services consists of one new rule pertaining to the waiting list procedure for community addiction services providers. The rule package was submitted to the CSI Office on March 16, 2017 and the comment period was held open through April 6, 2017. Four public comments were received during this time.

Ohio Administrative Code (OAC) 5122-8-01 is being proposed pursuant to a statutory requirement outlined in ORC 5119.362 which takes effect July 1, 2017. The statute requires the Department implement a waiting list procedure that includes reporting requirements for community addiction service providers,

The proposed rule requires that providers create and maintain a waiting list of individuals who are seeking opioid and co-occurring drug addiction services. The waiting list will contain non-identifying information that will be collected and used to help expedite processes and increase efficiency. Providers report waiting list data to the Department, which will then post aggregate and

**77 South High Street | 30th Floor | Columbus, Ohio 43215-6117**  
**[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)**

non-identifying data to its website so that it can provide information to the boards of alcohol, drug addiction, and mental health services about waiting times to receive treatment within each board's service area.

The Department engaged multiple applicable stakeholders during the rulemaking process including the Ohio Council of Behavioral Health & Family Services Providers, the Ohio Association of County Behavioral Health Authorities, and other stakeholders related to community care and drug addiction. The Department met with each stakeholder to discuss and develop rules for the program. During the outreach period, stakeholders provided input on reporting procedures and at their request, the Department included definitions of terms to provide clarity to what was being asked for in the waiting list process. In addition, stakeholders were instrumental in the development of the spreadsheet, which will be the template for the electronic reporting system.

During the public comment period, four comments were submitted. Two comments expressed general discontent with the proposed rule and waiting list program. The Department outlined that they are statutorily required to implement the program and have done so in a manner, with stakeholders involved, to minimize the adverse impact. The third comment expressed concern about the 24 hour time period and explained that it would waste treatment time if a provider was required to wait 24 hours for a response before contacting the next person on the waiting list. In response, the Department amended the rule to separate resident and non-resident treatment providers which gives residential providers discretion as to how long they wish to wait before contacting the next person on the waiting list provided they have not heard back from the first individual contacted. Lastly, the fourth comment outlined a variety of concerns including definition of terms, timing to contact individuals on the waiting list, and overall costs and reporting requirements of the program. The Department replied and stated definition concerns had already been remedied with the addition of appendix A and pointed to the early stakeholder engagement process where the remainder of issues raised by the commenter had been discussed, remedied, and addressed.

The BIA states OAC 5122-8-01 adversely impacts business, but in a minimal way. Waiting list procedures will be required of any community addiction services provider, and will impact them through employee time to record the applicable data. The Department notes that employee time to record will vary, but on average will only require a few minutes for each individual seeking services and predicts approximately 1-5 total hours per month. In addition, providers may be able to automate some aspects of the data collection.

The BIA states the rule is necessary to implement the program required by statute so that gaps in the state opioid and co-occurring drug addiction services system are identified. Therefore, the CSI Office has determined the purpose of the rule package to be justified.

### **Recommendations**

For the reasons explained above, the CSI office does not have any recommendations regarding this rule package.

**Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Mental Health and Addiction Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.