



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: July 13, 2020

RE: CSI Review – QRTP Rules (OAC 51122-29-09.1, 5122-30-31, and 5122-30-32)

On behalf of Lt. Governor Jon Husted, 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 Ohio Department of Mental Health and Addiction Services (Department) rule package consists of one amended and two new rules. It was submitted to the CSI Office on June 24, 2020, and the public comment period was open through July 8, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 24, 2020.

The proposed rules establish requirements for Qualified Residential Treatment Programs (QRTP) in response to the federal Family First Prevention Services Act. Specifically, the rules implement QRTP standards for substance use disorder (SUD) residential programs serving children and residential facilities licensed by the Department. Criminal background check requirements are being amended to meet both federal and state standards. QRTPs must comply with conditions of the updated rules to remain eligible for Title IV-E funding.

During the period of early stakeholder outreach, the Department convened several subcommittees to discuss the implementation of QRTP requirements regarding accreditation, treatment models, licensing and contracting, agency readiness, and level of care. The subcommittees consisted of

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representatives from provider agencies, residential facilities, individuals with lived experience, foster caregivers, state agencies, trade organizations, county agencies, and county courts. The Department states that concern was expressed by stakeholders that the updated background check rule requires checks to be completed before hiring and eliminates the current 60-day grace period. The Department states that the change was made in response to statutory requirements in ORC 2151.86 but will be monitored for necessary revisions. During the CSI public comment period no comments were received.

Impacted communities include SUD residential providers serving children, residential facilities licensed by the Department, and those seeking employment at residential facilities. Potential adverse impacts include meeting background check requirements for employees and the increased expense of including a Federal Bureau of Investigation check, and administrative time necessary to ensure compliance with QRTP rules. The Department states that the rules are necessary to comply with the Family First Prevention Services Act and the Social Security Act to improve service quality provided to children at residential facilities and to successfully provide support to a child after discharge.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.