



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** November 30, 2021

**RE:** **CSI Review – Intensive Home-Based Treatment Services (OAC 5122-29-28 and 5122-29-30)**

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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 rule package consists of two amended rules proposed by the Ohio Department of Mental Health and Addiction Services (OMHAS). This rule package was submitted to the CSI Office on October 29, 2021, and the public comment period was held open through November 22, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 29, 2021.

Ohio Administrative Code (OAC) Chapter 5122-29 establishes requirements and procedures for services provided by agencies. OAC 5122-29-28 sets forth requirements for intensive home-based treatment (IHBT) services and is amended to update definitions, allow IHBT services to be provided through telehealth, and update methods for determining eligibility and staffing. OAC 5122-29-30 determines the eligibility of providers and is amended to include IHBT services.

During early stakeholder outreach, OMHAS conducted meetings with stakeholders to discuss the proposed rules, during which the proposed changes were developed. OMHAS received three comments during the CSI public comment period, which prompted changes to incorporate gender

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neutral language where appropriate and to update the IHBT fidelity rating tool that is used during a review of the provided services.

The business community impacted by these rules includes providers of mental health and addiction services. The adverse impact created by the rules includes maintaining eligibility to provide services and staffing that can adequately provide services. OMHAS states that the rules are necessary to ensure the health and safety of individuals receiving mental health and addiction services.

### **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