



## 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:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** **December 6, 2021**

**RE:** **CSI Review – 1115 Waiver Rule (OAC 5122-29-09)**

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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 Ohio Department of Mental Health and Addiction Services (Department) rule package consists of one amended rule as part of the statutory five-year rule review requirement. It was submitted to the CSI Office on September 20, 2021, and the public comment period was open through October 8, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 20, 2021.

The proposed rule outlines requirements for residential and withdrawal management substance use disorder services. Amendments add references to the American Society of Addiction Medicines (ASAM) residential levels of care, to support the Section 1115 waiver between the Ohio Department of Medicaid and the United States Center for Medicaid and Medicare Services, which allows these services to be reimbursed by Medicaid.

During the early stakeholder outreach period the Department shared the proposed rule with hospital groups, service providers, government agencies, advocacy groups, and other health and rehabilitation organizations. Their feedback led to instances of clarification of the rule, as well as further language specific to the role of nurses. Several comments were submitted during the CSI

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public comment period that led to updates that would alleviate workflow and staffing issues potentially created by rule requirements.

Communities impacted by the rule include the over 200 Department certified residential and withdrawal management substance use disorder facilities, and the estimated 600 clinical supervisors of these businesses. Impacted communities may need training on ASAM criteria. Training is offered by the ASAM at a cost of \$199 for an eight-hour course. The Department states that the adverse impact of these rules is justified because the proposed rule will help to protect the health and safety of these businesses' clients.

### **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.