



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: March 14, 2022

RE: **CSI Review – Mobile Response and Stabilization Service and Qualified Residential Treatment Program Rules (OAC 5122-24-01, 5122-26-06, 5122-29-09.1 5122-29-14, 5122-29-30, 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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of six amended rules and one new rule proposed by the Ohio Department of Mental Health and Addiction Services (OMHAS). This rule package was submitted to the CSI Office on November 12, 2021, and the public comment period was held open through December 6, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 12, 2021.

Ohio Administrative Code (OAC) 5122-24-01 lists the definitions used in related to OMHAS certification standards and is amended to change the definition of “person with serious emotional disturbance” to include people under 21 years of age. OAC 5122-26-06 sets forth human resources management requirements for providers and is amended to update or remove language related to services to children and adolescents, update background check requirements, and to include a list of offenses, such as violent acts, fraudulent business practices, or drug-related crimes. OAC 5122-26-09.1 establishes requirements for the substance use disorder qualified residential treatment program for youth and includes new definitions related to aftercare services and requirements for

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training employees, volunteers, interns, and independent contractors in approved trauma models.

OAC 5122-29-14 is a new rule that establishes requirements for the Mobile Response and Stabilization Service (MRSS), which provides intervention and support services to young people under the age of 21 who are experiencing emotion symptoms, behaviors, or traumatic circumstances that impact their ability to function in social settings. The rule describes timeframes for service provision, compositions of MRSS team staff, certification requirements for MRSS providers, and procedures for service provision. OAC 5122-29-30 sets forth the eligibility requirements for providers and supervisors and is amended to include MRSS and intensive home-based treatment services. OAC 5122-30-31 concerns background checks for employment at a residential care facility and is amended to specifically state that a facility will not employ an individual listed in the background check databases within the last 10 years. OAC 5122-30-32 establishes requirements for qualified residential treatment programs and includes amendments that add definitions related to aftercare services and requirements for training employees, volunteers, interns, and independent contractors in approved trauma models.

During early stakeholder outreach, OMHAS held meetings with industry stakeholders to discuss the proposed rules, including service providers, families, and boards of alcohol, drug addiction, and mental health services. OHMAS states that stakeholder feedback received during that time was incorporated into the proposed rules. During the CSI public comment period, OMHAS received comments that prompted amendments to allow MRSS to be provided by telehealth, as well as clarifying updates.

The business community impacted by the rules includes providers of mental health services. The adverse impact created by the rules includes maintaining staff to provide services, background check costs, and obtaining training certificates to provide services. The training certificate is available at no cost. OMHAS states that the adverse impacts created by the rules are necessary to ensure that services are provided properly to protect the health and safety of clients.

Recommendations

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

Conclusion

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