



# Common Sense Initiative

Mike DeWine, Governor  
Jim Tressel, Lt. Governor

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## Business Impact Analysis

**Agency, Board, or Commission Name:** Ohio Department of Mental Health and Addiction Services  
(to become Ohio Department of Behavioral Health as of October 1, 2025)

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**Regulation/Package Title (a general description of the rules' substantive content):**

Prevention services rule

**Rule Number(s):** O.A.C. 5122-29-20 (prevention services)

**Date of Submission for CSI Review:** September 11, 2025 (this is an updated submission; a BIA associated with a proposed complete rescission of the rule was submitted in May 2025) ; updated again on September 12, 2025, following conversation with CSI Office Director

**Public Comment Period End Date:** September 26, 2025

**Rule Type/Number of Rules:**

New/ 1 rules

No Change/      rules (FYR?     )

Amended/      rules (FYR?     )

Rescinded/ 1 rules (FYR?     )

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing

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regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Reason for Submission**

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

This new proposal would not have an adverse impact on businesses because persons and government entities desiring to provide prevention services would no longer need to obtain Department certification to provide the service. However, because the prior proposal would have still required certification, the Department is submitting this updated business impact analysis.

The current rule being rescinded does have an adverse impact on business. The current rule requires a certification to engage in the provision of prevention services.

**The rule(s):**

- a. ☐ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☐ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☐ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☐ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

### **Regulatory Intent**

2. Please briefly describe the draft regulation in plain language.

***Please include the key provisions of the regulation as well as any proposed amendments.***

Prevention services is currently one of the certifiable services and supports regulated by the Department. In general, under R.C. 5119.35, if a service or support has been specified by the Department in rules as a service that is required to be certified, no person or government entity can provide that service unless it has been certified by the Department. The Department's certifiable services and supports are listed in O.A.C. Chapter 5122-29.

In December 2024, the Department proposed changes to the prevention services rule. Thereafter, in May 2025, the Department proposed completely rescinding the prevention services rule. After review of comments received from the latest public comment period, the Department has decided to propose a revised version of the rule. Because the Department proposes amending over 50% of the rule text, the Department is employing the "rescind/new" technique pursuant to LSC's *Rule Drafting Manual*. The Manual specifies that if an agency amends more than 50% of a rule, the agency must rescind the current rule and enact a new rule in its place. The new proposed rule would:

--Specify that on and after the rule's effective date, prevention services is not a certifiable service of the Department; rather, the purpose of the rule is to specify a definition of prevention services and best practice standards for the provision of prevention services in Ohio;

--Define prevention services;

--Specify evidence-based prevention strategies; and

--Encourage prevention services providers to provide prevention services in accordance with enumerated best practice standards.

**3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Authorizes: R.C. 5119.36

Amplifies: R.C. 5119.36

**4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

***If yes, please briefly explain the source and substance of the federal requirement.***

No, the rule does not implement a federal requirement.

**5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for**

**exceeding the federal requirement.**

Not applicable.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Under the new proposed rule, prevention services will no longer be a certifiable service of the Department. Instead, the rule will serve the purposes outlined in the answer to question #2.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The new rule specifies a definition of prevention services and best practice standards. The Department will evaluate how the best practice standards assist prevention services providers in their delivery of prevention services. Also, organizations that award grants to prevention services providers may consider requiring grant recipients to satisfy the best practice standards as a condition of receiving funding. However, this will be a decision that each grant-issuing organization makes on its own.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

***If applicable, please include the date and medium by which the stakeholders were initially contacted.***

The Department initially received feedback on a first draft during a meeting with the following individuals on March 25, 2024: Fran Gerbig, Prevention Action Alliance; John Aller, Stark County Mental Health & Addiction Recovery; Kay Spergel, Community Mental Health & Recovery Board for Licking and Knox Counties; Cheri Walter and Liz Heinrich, OACBHA; Tony Coder and Daniel Bennett, Ohio Suicide Prevention Foundation; and Duane Piccirilli, Mahoning County Mental Health & Recovery Board. On April 29, 2024, the Department sent these individuals a second draft to review. Following review of the second draft comments, the Department prepared a third draft which was favorably received by the group. The Department posted the updated draft for an initial public comment period that began November 13, 2024, and ended November 29, 2024. During this initial public comment period, the Department did not receive any comments.

Thereafter, in May 2025, the Department proposed a complete rescission of the prevention services rule. The Department solicited and received public comments from several parties.

After reviewing the comments, the Department has decided to propose a new revised version of the rule. That new revised version is the version being submitted to the CSI Office today.

**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

As noted in the prior business impact analysis submitted to the CSI Office when the Department had proposed completely rescinding the rule, the Department recognized that some stakeholders had pointed out that exempting some entities and not others from certification made for an unlevel playing field where certain providers would have to incur the costs of becoming certified while others would not. The Department also recognized that the General Assembly, when it enacted the act requiring the Ohio Chemical Dependency Professionals Board to regulate individual prevention professionals (H.B. 496 of the 124<sup>th</sup> General Assembly), did not prohibit individuals from engaging in alcohol and other drug prevention services without Board certification.

In this latest round of public comments, some stakeholders expressed that they wished to maintain a prevention services rule so that there would be a codified, state definition of prevention services. This feedback was instrumental in the Department's development of the new draft.

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

National best practices were considered when developing the rule. The best practices are incorporated in the rule text.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

The Department's proposal would eliminate prevention services as a certifiable service and, instead, specify best practice standards for prevention. Therefore, it is an alternative to the original proposal, which would have maintained prevention services as a certifiable service.

**13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Department worked to ensure that references to individuals regulated by other boards in the new rule do not conflict with those other boards' rules

**14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Department's Office of Community and Family Resiliency has regular contact with prevention services providers. Many, for example, receive grant funds from the Department or ADAMHS boards and there are meetings associated with the receipt of those grant funds. That Office will conduct outreach on the new rule, once adopted.

**Adverse Impact to Business**

**15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

**a. Identify the scope of the impacted business community, and**

The scope of the impacted business community includes all community mental health services providers and community addiction services providers that desire to provide prevention services.

- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.*

Since providers of prevention services will no longer have to possess certification from the Department to provide prevention services, there is no adverse impact.

The nature of the adverse impact of the current rule being rescinded is the fee the Department charges for certification. Currently, the certification fee for prevention services, for a three-year renewal cycle, is \$200. That fee has not changed since 2019. The Department is, however, considering changes to its fee structure in a separate pending rule package.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. *(Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors).*

Yes, because providers of prevention services will no longer have to possess certification from the Department to provide prevention services, the regulatory burden is eliminated.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Not applicable.

### **Regulatory Flexibility**

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Not applicable.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Not applicable.

**20. What resources are available to assist small businesses with compliance of the regulation?**

Not applicable. However, if small businesses have questions concerning the best practices outlined in the new rule, they may request consultation from the Department's Office of Community and Family Resiliency.