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S.B. 60
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Workforce and Higher Education

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

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Highlights

- The bill creates a certified mental health assistant (CMHA) license and requires the State Medical Board to regulate the profession. The Board will experience both start-up and ongoing costs. Start-up costs include eLicense updates and rule promulgation costs. Ongoing costs will include processing license applications and renewals, addressing questions, investigating complaints, etc.
- The Board will experience a gain in revenue from license fees and potential fine revenue. The total revenue collected will depend on the number of licensees. Revenues will be deposited into the State Medical Board Operating Fund (Fund 5C60).
- The Board will realize costs to provide necessary and actual reimbursements to advisory committee members.
- The Department of Higher Education will experience costs to approve CMHA education programs.
- The Department of Medicaid will realize costs to create and submit a waiver to the U.S. Centers for Medicare and Medicaid Services to allow services provided by a CMHA to be paid by the Medicaid Program.

Detailed Analysis

CMHA licensure

The bill establishes licensure for CMHAs by the State Medical Board. Under the bill, a CMHA is an individual who provides mental health care under the supervision, control, and direction of a physician with whom the CMHA has entered into a supervision agreement. Additionally, a CMHA may practice in any setting within which a supervising physician has

supervision, control, and direction of the CMHA. The bill outlines the services that a CMHA may perform and those that are prohibited. It also outlines eligibility requirements and the application and renewal process. The license is valid for two years and may be renewed for additional two-year periods. The Board is required to adopt rules related to licensure, including the fee charged for licensure. The bill requires a physician to enter into a supervision agreement with each CMHA who will be supervised by the physician and sets requirements regarding these agreements. The bill also allows a licensed CMHA to prescribe and personally furnish certain drugs and devices. Similar to other prescribers, a CMHA must comply with certain provisions prior to prescribing a controlled substance, including requesting from the Pharmacy Board's drug database (OARRS) specified reports. The bill also requires the Board to establish quality assurance standards in rules that the supervising physician must comply with.

In addition, the bill establishes procedures for taking disciplinary action against a licensee. The reasons discipline may be imposed are similar to reasons for other health care professionals regulated by the Board. Additionally, the Board can impose civil penalties against CMHAs for violations of the bill's provisions. Civil penalties are generally deposited into the State Medical Board Operating Fund (Fund 5C60). The bill also authorizes the Board to take any disciplinary action authorized under current law against a supervising physician who fails to maintain supervision of a CMHA in accordance with the bill's requirements.

Fiscal impact

The bill will result in both start-up and ongoing costs to the Board. The eLicense system will need to be updated to add the new license. Additionally, there will be minimal administrative costs for rule promulgation. The Board will experience ongoing costs to process license applications and renewals, respond to consumer and licensee questions, and to investigate complaints. These costs will depend on the number of additional licensees. The Board will realize a gain in revenue associated with license fees and any fine revenues collected. The amount of license revenues will depend on the number of licensees and the fee charged. It is unclear how many CMHAs could potentially be eligible for licensure. This is a new license and it does not appear that any other states regulate this profession. The license fee charged by the Board varies depending on the profession regulated.¹ However, all revenues received will be deposited into the State Medical Board Operating Fund (Fund 5C60).

The Pharmacy Board might realize some administrative costs to allow additional users to access OARRS. These costs should be minimal.

CMHA education programs and advisory committee

The bill requires the Chancellor of Higher Education to approve or disapprove CMHA programs and specifies certain procedures for approval. This could result in costs to the Department of Higher Education.

¹ The Northeast Medical University (NEOMED) states that this profession's training pathway is similar to physician assistants. If this is the case, it is possible that the license fees charged to CMHAs might also be similar to physician assistants. The Board's current fee for physician assistants is a \$400 initial license fee and a \$200 renewal license fee.

Additionally, the bill creates an advisory committee within the Medical Board to advise the Board and the Department of Higher Education regarding CMHA programs until there is a national accrediting body for CMHAs, at which point the committee will cease to exist. The bill requires the committee to reference physician assistant accrediting standards in providing feedback and recommendations.

Fiscal impact

The Department of Higher Education could realize costs to approve or disapprove CMHA programs. The Board could realize costs for actual and necessary reimbursements for members.

Penalties

The bill establishes penalties for prohibited conduct. For instance, a nonlicensed CMHA is prohibited under the bill from holding him or herself out as a CMHA and it prohibits a CMHA from practicing without entering into a supervision agreement. Additionally, the bill prohibits a supervising physician from authorizing a CMHA to perform services not within the physician's normal course of practice or inconsistent with the supervision agreement. The bill also criminalizes violations of reporting duties by health care facilities that take formal disciplinary actions against a CMHA.

Fiscal impact

Local courts could experience an increase in costs for cases related to any prohibitions. However, local courts may also impose court costs or fines that may help offset some of these operational costs. The number of potential cases is likely to be few, so any impacts should be minimal.

Medicaid coverage

The bill requires the Medicaid Director to submit a request to the U.S. Centers for Medicare and Medicaid Services for a waiver to allow services provided by a CMHA to be paid by the Medicaid Program.

Fiscal impact

This will result in administrative costs to the Department of Medicaid to create and submit the waiver. Any other costs will depend on if the waiver is approved and the reimbursement provided.