

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 688

Representative Lipps

A BILL

Regarding coronavirus local fiscal recovery and 1
prescription digital therapeutics, and to make 2
appropriations. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. All items in this act are hereby appropriated 4
as designated out of any moneys in the state treasury to the 5
credit of the designated fund. For all operating appropriations 6
made in this act, those in the first column are for fiscal year 7
2022 and those in the second column are for fiscal year 2023. 8
The operating appropriations made in this act are in addition to 9
any other operating appropriations made for the FY 2022-FY 2023 10
biennium. 11

Section 2. (A) As used in this section, "prescription 12
digital therapeutic approved for the treatment of substance use 13
disorders" and "prescription digital therapeutic" means a class 14
II medical device, as that term is described in 21 C.F.R. 860.3, 15
that has been approved by the United States Food and Drug 16
Administration to deliver therapeutic interventions for the 17
treatment of substance use disorders, including opioid use 18
disorders. 19

(B) The Department of Medicaid shall acquire prescription digital therapeutics approved for the treatment of substance use disorders for the purpose of operating a pilot program to explore the effectiveness of prescription digital therapeutics. Under the pilot program, patients who have been diagnosed with a substance use disorder, including an opioid use disorder, and have been prescribed a digital therapeutic as part of treatment shall be provided the prescription digital therapeutic at no cost to the patient.

(C) Each treatment provider that participates in the pilot program shall identify patients who have been diagnosed with a substance use disorder, including an opioid use disorder, and who have been prescribed a digital therapeutic as part of treatment. Patients who elect to use the prescribed digital therapeutic shall be provided access to it by activating an access code through a smart phone application.

The Department and treatment providers shall make best efforts to include patient participants with varied demographic backgrounds and experiences with substance use and opioid use disorders. The use of prescription digital therapeutics by participating patients may be in addition to any other treatment for substance use and opioid use disorders, including medication-assisted treatment and other behavioral health services.

(D) The pilot program shall begin as soon as practicable after the effective date of this section and shall be operated until December 31, 2023, or until funds appropriated for the program are expended, whichever occurs first.

(E) Not later than March 31, 2024, the Department shall prepare a report, using data supplied by vendors of prescription

C	5CV3	651692	Digital Therapeutics-ARPA	\$0	\$7,500,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$0	\$7,500,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$7,500,000

DIGITAL THERAPEUTICS-ARPA 71

The foregoing appropriation item 651692, Digital Therapeutics-ARPA, shall be used for the pilot program established by Section 2 of this act in order to address an increase in substance use and overdose deaths due to the COVID-19 pandemic. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 651692, Digital Therapeutics-ARPA, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

Section 4. (A) As used in this section, "prescription digital therapeutic approved for the treatment of substance use disorders" and "prescription digital therapeutic" means a class II medical device, as that term is described in 21 C.F.R. 860.3, that has been approved by the United States Food and Drug Administration to deliver therapeutic interventions for the treatment of substance use disorders, including opioid use disorders.

(B) The Department of Mental Health and Addiction Services shall acquire prescription digital therapeutics approved for the treatment of substance use disorders for the purpose of operating a pilot program to explore the effectiveness of prescription digital therapeutics. Under the pilot program, patients who have been diagnosed with a substance use disorder, including an opioid use disorder, and have been prescribed a

digital therapeutic as part of treatment shall be provided the 96
prescribed digital therapeutic at no cost to the patient. 97

(C) Each treatment provider that participates in the pilot 98
program shall identify patients who have been diagnosed with a 99
substance use disorder, including an opioid use disorder, and 100
who have been prescribed a digital therapeutic as part of 101
treatment. Patients who elect to use the prescribed digital 102
therapeutic shall be provided access to it by activating an 103
access code through a smart phone application. 104

The Department and treatment providers shall make best 105
efforts to include patient participants with varied demographic 106
backgrounds and experiences with substance use and opioid use 107
disorders. The use of prescription digital therapeutics by 108
participating patients may be in addition to any other treatment 109
for substance use and opioid use disorders, including 110
medication-assisted treatment and other behavioral health 111
services. 112

(D) The pilot program shall begin as soon as practicable 113
after the effective date of this section and shall be operated 114
until December 31, 2023, or until funds appropriated for the 115
program are expended, whichever occurs first. 116

(E) Not later than March 31, 2024, the Department shall 117
prepare a report, using data supplied by vendors of prescription 118
digital therapeutics and aggregated claims data, describing its 119
findings regarding the impact of the pilot program and submit it 120
to the chairpersons and ranking minority members of the standing 121
committees that consider health and human services issues in the 122
House of Representatives and the Senate. The report shall 123
describe all of the following: 124

(1) The population included in the pilot program;	125
(2) The successes and challenges of the program;	126
(3) Treatment access for pilot program participants;	127
(4) Participant satisfaction;	128
(5) Participant treatment goals and whether those goals were achieved;	129 130
(6) Impacts related to health equity;	131
(7) A comparison of hospitalization for program participants as compared to other patients of participating treatment providers who are being treated for substance use and opioid use disorders;	132 133 134 135
(8) Any recommendations for future coverage of prescription digital therapeutics.	136 137

Section 5. 138

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	1	2	3	4	5
A	MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES				
B	Dedicated Purpose Fund Group				
C	5CV3	336652	Digital Therapeutics- ARPA	\$0	\$7,500,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$0	\$7,500,000
E	TOTAL ALL BUDGET FUND GROUPS			\$0	\$7,500,000

DIGITAL THERAPEUTICS-ARPA	140
The foregoing appropriation item 336652, Digital	141
Therapeutics-ARPA, shall be used for the pilot program	142
established by Section 4 of this act in order to address an	143
increase in substance use and overdose deaths due to the COVID-	144
19 pandemic. An amount equal to the unexpended, unencumbered	145
portion of the foregoing appropriation item 336652, Digital	146
Therapeutics-ARPA, at the end of fiscal year 2023 is hereby	147
reappropriated to the same appropriation item for the same	148
purpose in fiscal year 2024.	149
Section 6. Within the limits set forth in this act, the	150
Director of Budget and Management shall establish accounts	151
indicating the source and amount of funds for each appropriation	152
made in this act, and shall determine the form and manner in	153
which appropriation accounts shall be maintained. Expenditures	154
from operating appropriations contained in this act shall be	155
accounted for as though made in H.B. 110 of the 134th General	156
Assembly. The operating appropriations made in this act are	157
subject to all provisions of H.B. 110 of the 134th General	158
Assembly that are generally applicable to such appropriations.	159