

As Reported by the House Health Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 688

Representative Lipps

Cosponsors: Representatives Lightbody, West

A BILL

To establish prescription digital therapeutics 1
pilot programs and to make appropriations. 2

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

Section 1. All items in this act are hereby appropriated 3
as designated out of any moneys in the state treasury to the 4
credit of the designated fund. For all operating appropriations 5
made in this act, those in the first column are for fiscal year 6
2022 and those in the second column are for fiscal year 2023. 7
The operating appropriations made in this act are in addition to 8
any other operating appropriations made for the FY 2022-FY 2023 9
biennium. 10

Section 2. (A) As used in this section, "prescription 11
digital therapeutic approved or otherwise authorized for the 12
treatment of substance use disorders" and "prescription digital 13
therapeutic" means a class II medical device, as that term is 14
described in 21 C.F.R. 860.3, that has been approved or 15
otherwise authorized 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 20
digital therapeutics approved or otherwise authorized for the 21
treatment of substance use disorders for the purpose of 22
operating a pilot program to explore the effectiveness of 23
prescription digital therapeutics. Under the pilot program, 24
patients who have been diagnosed with a substance use disorder, 25
including an opioid use disorder, and have been prescribed a 26
digital therapeutic as part of treatment shall be provided the 27
prescription digital therapeutic at no cost to the patient. 28

(C) Each treatment provider that participates in the pilot 29
program shall identify patients who have been diagnosed with a 30
substance use disorder, including an opioid use disorder, and 31
who have been prescribed a digital therapeutic as part of 32
treatment. Patients who elect to use the prescribed digital 33
therapeutic shall be provided access to it by activating an 34
access code. 35

The Department and treatment providers shall make best 36
efforts to include patient participants with varied demographic 37
backgrounds and experiences with substance use and opioid use 38
disorders. The use of prescription digital therapeutics by 39
participating patients may be in addition to any other treatment 40
for substance use and opioid use disorders, including 41
medication-assisted treatment and other behavioral health 42
services. 43

(D) The pilot program shall begin as soon as practicable 44
after the effective date of this section and shall be operated 45
until December 31, 2023, or until funds appropriated for the 46
program are expended, whichever occurs first. 47

(E) Not later than March 31, 2024, the Department shall 48
prepare a report, using data supplied by vendors of prescription 49
digital therapeutics and aggregated claims data, describing its 50
findings regarding the impact of the pilot program and submit it 51
to the chairpersons and ranking minority members of the standing 52
committees that consider health and human services issues in the 53
House of Representatives and the Senate. The report shall 54
describe all of the following: 55

(1) The population included in the pilot program; 56

(2) The successes and challenges of the program; 57

(3) Treatment access for pilot program participants; 58

(4) Participant satisfaction; 59

(5) Participant treatment goals and whether those goals 60
were achieved; 61

(6) Impacts related to health equity; 62

(7) A comparison of hospitalization for program 63
participants as compared to other patients of participating 64
treatment providers who are being treated for substance use and 65
opioid use disorders; 66

(8) Any recommendations for future coverage of 67
prescription digital therapeutics. 68

Section 3. 69

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B	Dedicated Purpose Fund Group		
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 or otherwise authorized 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 or otherwise authorized 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 or otherwise authorized for the treatment of substance use disorders for the purpose of operating a pilot program to

explore the effectiveness of prescription digital therapeutics. 94
Under the pilot program, patients who have been diagnosed with a 95
substance use disorder, including an opioid use disorder, and 96
have been prescribed a digital therapeutic as part of treatment 97
shall be provided the prescribed digital therapeutic at no cost 98
to the patient. 99

(C) Each treatment provider that participates in the pilot 100
program shall identify patients who have been diagnosed with a 101
substance use disorder, including an opioid use disorder, and 102
who have been prescribed a digital therapeutic as part of 103
treatment. Patients who elect to use the prescribed digital 104
therapeutic shall be provided access to it by activating an 105
access code. 106

The Department and treatment providers shall make best 107
efforts to include patient participants with varied demographic 108
backgrounds and experiences with substance use and opioid use 109
disorders. The use of prescription digital therapeutics by 110
participating patients may be in addition to any other treatment 111
for substance use and opioid use disorders, including 112
medication-assisted treatment and other behavioral health 113
services. 114

(D) The pilot program shall begin as soon as practicable 115
after the effective date of this section and shall be operated 116
until December 31, 2023, or until funds appropriated for the 117
program are expended, whichever occurs first. 118

(E) Not later than March 31, 2024, the Department shall 119
prepare a report, using data supplied by vendors of prescription 120
digital therapeutics and aggregated claims data, describing its 121
findings regarding the impact of the pilot program and submit it 122
to the chairpersons and ranking minority members of the standing 123

committees that consider health and human services issues in the House of Representatives and the Senate. The report shall describe all of the following:

- (1) The population included in the pilot program;
- (2) The successes and challenges of the program;
- (3) Treatment access for pilot program participants;
- (4) Participant satisfaction;
- (5) Participant treatment goals and whether those goals were achieved;
- (6) Impacts related to health equity;
- (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;
- (8) Any recommendations for future coverage of prescription digital therapeutics.

Section 5.

	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 142

The foregoing appropriation item 336652, Digital 143
Therapeutics-ARPA, shall be used for the pilot program 144
established by Section 4 of this act in order to address an 145
increase in substance use and overdose deaths due to the COVID- 146
19 pandemic. An amount equal to the unexpended, unencumbered 147
portion of the foregoing appropriation item 336652, Digital 148
Therapeutics-ARPA, at the end of fiscal year 2023 is hereby 149
reappropriated to the same appropriation item for the same 150
purpose in fiscal year 2024. 151

Section 6. Within the limits set forth in this act, the 152
Director of Budget and Management shall establish accounts 153
indicating the source and amount of funds for each appropriation 154
made in this act, and shall determine the form and manner in 155
which appropriation accounts shall be maintained. Expenditures 156
from operating appropriations contained in this act shall be 157
accounted for as though made in H.B. 110 of the 134th General 158
Assembly. The operating appropriations made in this act are 159
subject to all provisions of H.B. 110 of the 134th General 160
Assembly that are generally applicable to such appropriations. 161