

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-26-02

Rule Type: Amendment

Rule Title/Tagline: Managed health care program: eligibility and enrollment.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/6/2021
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5167.02
5. What statute(s) does the rule implement or amplify? 5164.02, 5167.03, 5167.10
6. What are the reasons for proposing the rule?

This rule is being proposed for amendment to clarify policy related to the Ohio Medicaid managed care program.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

Ohio Administrative Code (OAC) rule 5160-26-02, entitled "Managed health care programs: eligibility and enrollment" sets forth the eligibility criteria for enrollment into the Medicaid managed care program and exclusions from enrollment. In paragraph (B)(5), added several enrollment exclusion categories per current process.

In paragraph (C)(2) removed language requiring MCOs to report the birth of a newborn born to a mother enrolled in managed care. Other technical edits including dated references.

8. Does the rule incorporate material by reference? Yes
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code (OAC). This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d). OAC Medicaid rules may be found online at: <http://codes.ohio.gov/oac/5160>.

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2). The eCFR is available online at: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with ORC 121.71 to 121.74 in accordance with ORC 121.75(A)(2).

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There are no new costs of compliance with the changes to this rule. MCOs are paid per member per month and receive funds to cover required services. ODM must pay MCOs rates that are actuarially sound, as determined by an outside actuary in accordance with 42 CFR 438.4 and CMS's "Managed Care Rate Setting Consultants on Guide." All rates and actuarial methods can be found on the ODM website in Appendix E of the Medicaid Managed Care Provider Agreement.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires the MCOs to notify ODM of an infant born to a mother enrolled in an MCO. This requirement is being removed from the rule as

it is duplicative to the more robust requirement outlined in the Provider Agreement.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding? 0
- B. How many existing regulatory restrictions do you propose removing? 1

The must language associated with newborn reporting is being removed as it is duplicative to the more robust requirement captured in the Provider Agreement.