

Rule Summary and Fiscal Analysis (Part A)**Ohio Department of Medicaid**

Agency Name

Division

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5160-26-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

**Managed health care programs: eligibility, membership, and
automatic renewal of membership.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **5167.02**5. Statute(s) the rule, as filed, amplifies or implements: **5162.03, 5164.02, 5167.03, 5167.10**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule describes the managed care enrollment process and the categories of individuals who are eligible for enrollment in Medicaid managed care plans (MCPs). Changes to the rule add modified adjusted gross income (MAGI)-based Medicaid eligibles to the list of groups eligible for Medicaid managed care. (MAGI)-based eligibility applies to the Covered Families and Children eligibility category. Other amendments to the rule clarify that this rule does not apply to MyCare Ohio plans, clarify the managed care mandatory and voluntary enrollment criteria, and update language regarding the coverage of newborns. Additional amendments to the rule update legal citations and cross-references.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another Ohio Administrative Code rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to those references in this rule because such references are exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A).

This rule incorporates one or more dated references to the Code of Federal Regulations. This question is not applicable to any dated incorporation by reference to the Code of Federal Regulations because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(D).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

The rule is being refiled to correct the reference to MAGI (modified adjusted gross income) in paragraph (B)(1)(a) and correct a clerical error to the reference to the managed care enrollment center "MCEC." The corrected rule refers to the "medicaid consumer hotline" instead of "MCEC" in paragraph (D)(4)(c). This correction is consistent with other changes in this rule from "MCEC" to "medicaid consumer hotline."

12. Five Year Review (FYR) Date: **10/30/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

No impact on current budget.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

A Medicaid managed care plan may incur costs in complying with the requirements to notify the Department of Medicaid of newborn births and to comply with the requirements to provide medically necessary services to members admitted to an inpatient facility prior to the effective date of coverage. It is not possible to provide an estimate of the costs on a particular managed care plan. The costs will vary based on the number of affected members. Through the administrative component of the capitation rate paid to the managed care plans by the Department of Medicaid, managed care plans will be compensated for submitting required notifications to ODM and providing medically necessary services.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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 a report of information.