

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-27-01

Rule Type: Amendment

Rule Title/Tagline: Eligible provider for behavioral health services.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 1/1/2023
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?** 5162.02, 5164.02
5. **What statute(s) does the rule implement or amplify?** 5162.03, 5164.02, 5162.371, 5119.391

6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update ODM policy.

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

Rule 5160-27-01 entitled "Eligible provider for behavioral health services" sets forth the requirements for behavioral health services provided by community mental health and substance use disorder treatment providers. The proposed revision provides for

a registered nurse to perform a nursing regimen, in accordance with Section 4723.01 of the Ohio Revised Code, without an order from a medical practitioner.

- 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. 121.71 to 121.76, 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. 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.

- 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. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

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?**

The requirement to acquire a Medicaid provider agreement may result in administrative activities for the provider's staff.

Holding a provider agreement may require the provider to submit updated information to ODM from time to time, such activities would also result in administrative activities for the staff.

Regarding the proposed revisions to the rule, the cost of compliance would be for providers that wish to render and bill Medicaid for nursing services that don't require

an order from a medical practitioner. There may be some providers that would need to update their billing systems in order to submit claims for these services. Quantifying any cost is difficult because of the significant variance of business design, number of service locations, agency workforce, client caseload, and business acumen among the 820 Medicaid enrolled providers of behavioral health services. This rule does not apply a regulation fee.

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**

III. Common Sense Initiative (CSI) Questions

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

This rule requires that providers receiving Medicaid payment hold a current Ohio Medicaid provider agreement.
 - 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? No**