

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?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 265 - 132
- Matt Dolan
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.**

This rule lists and describes those providers that can render mental health and substance use disorder treatment services covered by Medicaid. The rule revision

adds pharmacists, as described in rule 5160-8-52, as an eligible Medicaid provider type. The pharmacist must be an employee or an independent contractor of an entity described in paragraph (A)(1) or (A)(2) of the rule. Two requirements are removed as they are stated in other Medicaid program rules. The requirements regard the need for providers and practitioners to have a Medicaid provider agreement, the other requires a provider to update, to ODM, geographical locations of operation as they change. These requirements are found in other Medicaid rules. Other revisions, that don't involve policy changes, include replacement of existing language with new language to improve clarity.

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. 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.

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 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.**

Paragraph (D) which had been removed in the original filing is referenced in other language in this rule as a list of providers that can be supervisors. New language in (D) ensures clarity as to those practitioners that can act as a supervisor. Upon review of a Ohio Department of Mental Health and Addiction Services rule, other provider types were added as supervisors.

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?

Not Applicable.

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? Yes

The adverse impact in this rule is removed with this amendment.

- 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

- 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? 4

(A)(2) The entity must be an eligible and enrolled provider with the state medicaid agency in the state where the entity operates.

(D) Provider agencies shall have an active provider agreement with the Ohio department of medicaid.

(E) The following practitioners shall have an active provider agreement with the Ohio department of medicaid:

(F) An eligible provider meeting the requirements set forth in paragraph (A)(1) or (A)(2) of this rule must ensure that all contact information for their business including all physical locations where services are rendered are listed correctly in the medicaid information technology system (MITS) and updated within thirty days of any change in operations.