

5160-27-02

Coverage and limitations of behavioral health services.

- (A) This rule sets forth coverage and limitations for behavioral health services rendered to medicaid recipients by behavioral health provider agencies who meet all requirements found in agency 5160 of the Administrative Code unless otherwise specified.
- (1) All claims for behavioral health services submitted to the Ohio department of medicaid (ODM) must include an ICD-10 diagnosis of mental illness or substance use disorder. The list of recognized diagnoses can be accessed at www.medicaid.ohio.gov.
 - (2) Medicaid reimbursable behavioral health services are limited to medically necessary services defined in rule 5160-8-05 of the Administrative Code and Chapter 5160-27 of the Administrative Code. Providers shall follow the requirements in rule 5160-8-05 of the Administrative Code and Chapter 5160-27 of the Administrative Code regarding services that cannot be billed in combination with other services.
- (B) The following services have limitations on the amount, scope or duration of service that can be rendered to a recipient within a certain timeframe. These limits can be exceeded with prior authorization from ODM or its designee.
- (1) Screening, brief intervention and referral to treatment (SBIRT) as defined by the American medical association's current procedural terminology book. Limitation for this service is one per code, per recipient, per billing provider, per calendar year.
 - (2) Assertive community treatment (ACT) as defined in rule 5160-27-04 of the Administrative Code is available on or after the date as determined by prior authorization approval.
 - ~~(3) Intensive home based treatment (IHBT) as defined in rule 5160-27-05 of the Administrative Code is available on or after the date as determined by prior authorization approval.~~
 - ~~(4)~~(3) Community psychiatric supportive treatment (CPST) services as defined in rule 5122-29-17 of the Administrative Code and meet the following requirements:
 - (a) All CPST services provided in social, recreational, vocational, or educational settings are allowable only if they are documented mental health service interventions addressing the specific individualized mental health treatment needs as identified in the recipient's individualized service plan.

- (b) A billable unit of service for CPST may include ~~either face-to-face or telephone~~ contact between the mental health professional and the recipient or an individual essential to the mental health treatment of the recipient.
 - (c) CPST services are not covered under this rule when provided in a hospital setting, except for the purpose of coordinating admission to the inpatient hospital or facilitating discharge from an inpatient hospital to the community following inpatient treatment for an acute episode of care.
 - (d) Medicaid reimbursement of CPST services is described in rule 5160-27-03 of the Administrative Code.
- ~~(5)~~(4) Psychiatric diagnostic evaluation and psychiatric diagnostic evaluation with medical services are each limited to one encounter per recipient, per billing provider, per calendar year.
- (C) The following services delivered to recipients with substance use disorders have limitations on the amount, scope or duration of service that can be rendered to a recipient within a certain timeframe. These limits can be exceeded with prior authorization from the ODM designated entity.
- (1) Substance use disorder assessment as referenced in rule 5160-27-09 of the Administrative Code is limited to two assessments per recipient, per billing agency, per calendar year.
 - (2) Substance use disorder urine drug screening as referenced in rule 5160-27-09 of the Administrative Code, is limited to one per day, per recipient.
 - (3) ~~Substance use disorder peer~~ Peer recovery support as referenced in rules 5160-27-09 and 5160-43-04 of the Administrative Code is limited to four hours per day per recipient.
 - (4) Substance use disorder partial hospitalization as described in rule 5160-27-09 of the Administrative Code, ~~is available on or after the date as determined by prior authorization approval. The prior authorization request must substantiate that the recipient meets the partial hospitalization level of care of twenty or more hours of service per week. In accordance with rule 5160-1-27 of the Administrative Code ODM may retrospectively review the case that the number of hours of service delivered matches the approved level of care.~~
 - (5) Substance use disorder residential level of care as described in rule 5160-27-09 of the Administrative Code, ~~is available for up to thirty consecutive days without prior authorization per medicaid recipient for the first and second admission;~~

~~during the same calendar year. If the stay continues beyond thirty days of the first or second stay, prior authorization is required to support the medical necessity of continued stay. If medical necessity is not substantiated and not approved by the ODM designated entity, only the initial thirty consecutive days will be reimbursed. Third and subsequent admissions during the same calendar year must be prior authorized by the ODM designated entity from the date of admission.~~

- (D) The medications listed in the appendix to rule 5160-27-03 or appendix DD to rule 5160-1-60 of the Administrative Code are covered by ODM when rendered and billed by an eligible provider as described in rule 5160-27-01 of the Administrative Code. The medication must be administered by a qualified practitioner acting within their professional scope of practice.
- (E) Laboratory services, vaccines, and medications administered in a prescriber office may be administered in accordance with rule 5160-1-60 of the Administrative Code.
- (F) Medical and evaluation and management services stated in the appendix to rule 5160-27-03 of the Administrative Code or appendix DD to rule 5160-1-60 of the Administrative Code are covered by ODM when rendered by:
 - (1) A practitioner as described in paragraphs (A)(3) and (A)(4) of rule 5160-27-01 of the Administrative Code and operating within their scope of practice; or
 - (2) A pharmacist, rendering services in accordance with rule 5160-8-52 of the Administrative Code.
- (G) CMS place of service code set descriptions may be found at www.cms.gov. The department further defines place of service 99 as "community," and this place of service may only be used when a more specific place of service is not available. Place of service 99 shall not be used to provide services to a recipient of any age if the recipient is being held in a public institution as defined in 42 C.F.R. 435.1010 (October 1, 2016).
- (H) The activities that comprise or are included in the aforementioned medicaid reimbursable behavioral health services must be intended to achieve identified treatment plan goals or objectives. Providers shall maintain treatment records and progress notes as specified in rules 5160-01-27 and 5160-8-05 of the Administrative Code. A treatment plan for mental health services may only be developed by a practitioner who, at a minimum, meets the practitioner requirements found in paragraph (A)(6)(a) of rule 5160-27-01 of the Administrative Code. A treatment plan for substance use disorder services may only be developed by a practitioner who, at a

minimum meets the practitioner requirements found in paragraph (A)(6)(b)(i) or (A)(6)(b)(iii) of rule 5160-27-01 of the Administrative Code.

- (I) The medications and services listed in the appendix to rule 5160-27-03 of the Administrative Code or the opiate treatment service section of appendix DD to rule 5160-1-60 of the Administrative Code are reimbursed by the department when rendered and billed by an opiate treatment program as described in Chapter 5122-40 of the Administrative Code and licensed as such by the Ohio department of mental health and addiction services and/or federally certified as such as stated in 42 CFR 8.11 (October 1, 2016). Reimbursement rates are determined by the methodology described in paragraph (E) of rule 5160-4-12 of the Administrative Code or as listed in the appendix to rule 5160-27-03 of the Administrative Code or as listed in appendix DD to rule 5160-1-60 of the Administrative Code.
- (J) When permitted, provision of any service addressed in Chapter 5160-27 of the Administrative Code by telehealth as defined in rule 5122-29-31 of the Administrative Code, must comply with the appropriate telehealth requirement(s) found in rule 5160-1-18 of the Administrative Code.
- (K) The services described in this chapter shall not substitute or supplant natural supports and do not include any of the following:
 - (1) Educational, vocational, or job training services.
 - (2) Room and board.
 - (3) Habilitation services including but not limited to financial management, supportive housing, supportive employment services, and basic skill acquisition services that are habilitative in nature.
 - (4) Services to recipients who are being held in a public institution as defined in 42 C.F.R. 435.1010 (October 1, 2016);
 - (5) Services to individuals residing in institutions for mental diseases as described in 42 C.F.R. 435.1010 (October 1, 2016);
 - (6) Recreational and social activities, including but not limited to art, music, and equine therapies;
 - (7) Services that are covered elsewhere in agency 5160 of the Administrative Code; and
 - (8) Transportation for the recipient or family.

(L) Peer recovery services ~~as defined~~ as peer support services in rule 5122-29-15 of the Administrative Code are covered when delivered:

- (1) Through the specialized recovery services program in accordance with rule 5160-43-04 of the Administrative Code; or
- (2) As a component of assertive community treatment as defined in rule 5160-27-04 of the Administrative Code; or
- (3) As a component of substance use disorder residential treatment as defined in rule 5160-27-09 of the Administrative Code; or
- (4) As a substance use disorder outpatient treatment service in accordance with rule 5160-27-09 of the Administrative Code; or
- (5) As a component of intensive home-based treatment service as defined in rule 5122-29-28 of the Administrative Code; or
- (6) As a component of mobile response and stabilization service in accordance with rule 5122-29-14 of the Administrative Code.

(M) The "Ohio children's initiative brief CANS assessment" and the "Ohio children's initiative comprehensive CANS assessment" are covered as defined in rule 5160-59-01 of the Administrative Code and may be billed separately for reimbursement. Payment for CPST, therapeutic behavioral services, or psychiatric diagnostic evaluation is not allowable for provision of the Ohio brief or Ohio comprehensive CANS assessment.

Effective:

Five Year Review (FYR) Dates: 4/15/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5164.02, 5162.05, 5162.02
Rule Amplifies: 5164.02, 5164.88, 5164.76, 5164.15, 5164.03
Prior Effective Dates: 01/01/2018, 01/02/2018 (Emer.), 05/03/2018,
06/12/2020 (Emer.), 01/17/2021, 07/09/2021