

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

Agency Name

Division

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5160-27-02

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Coverage and limitations of medicaid community mental health services.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

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: **5164.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5164.02, 5164.03, 5164.15, 5164.76, 5164.88**

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

This rule is being proposed for amendment to implement policy directives from the Ohio Department of Medicaid. The new directives create phase two of the health homes project and make revisions to phase one of the health homes project.

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:

This rule sets forth the Medicaid covered Ohio Department of Mental Health and Addiction Services administered mental health services and related limitations. This rule is being proposed for amendment to implement a requirement that health home providers must disenroll clients within three business days of a request by a client or client's parent or guardian. New language more clearly defines the eligible population for health homes.

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 OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76.

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:

Paragraph (A)(7)(b) is new language added to describe grandfathering of current health home enrollees who, after July 1, 2014, do not meet the new eligibility

criteria defined in (A)(7)(a).

Appendix B is revised to reflect the new language found in (A)(7)(b).

RSFA responses to the following questions were changed from the original filed version: #6; #13; #14; and #15.

12. 119.032 Rule Review Date: **1/1/2017**

(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 increase expenditures.

\$10,098,000

The Department estimates that this rule filing will result in an increase in expenditures for the agency during SFY 2015 due to the grandfathering of current health home enrollees who do not meet the new eligibility criteria as described in (A)(7).

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

651525

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:

The amendments in this rule will change the health home eligibility criteria. Compliance with this rule will have zero impact on existing and newly participating

providers of health home services. ODM's decision to "grandfather" currently enrolled health home service recipients regardless of whether they meet the new eligibility criteria will alleviate any impact on existing Medicaid health home service providers. Newly participating providers will not be affected because if the net anticipated cost of providing services is negative based on their individual business model, they can choose to not participate in this particular health homes program.

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? **No**

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? **No**