

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-27-04

Rule Type: Amendment

Rule Title/Tagline: Mental health assertive community treatment service.

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?** 5164.02 , 5164.03
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment to update ODM policy. It was initially filed as an emergency rule with an effective date of June 12, 2020.

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

Rule 5160-27-04 entitled "Mental health assertive community treatment service" states activities that constitute the service as well as eligibility requirements to receive the service. Provider requirements are stated as well as provider billing policy and prior authorization requirements. Revised language relaxes the fidelity review requirements

that provider teams have to meet in order to render the service. Language is removed that prohibits the billing of the service when it is not rendered in an in-person setting.

- 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 Administrative Code. This question is not applicable to any incorporation by reference to another Administrative Code 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. 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?**

Quantifying the cost of any cost of compliance in the existing rule is difficult because of the significant variance of business design, number of service locations, agency workforce, client caseload, and business acumen among Ohio's Medicaid enrolled providers of behavioral health services. Behavioral health providers may voluntarily choose to render the service described in this rule. Only one prior authorization approval is required before a provider can begin rendering the service, typically over a period of several months. A prior authorization request requires the reporting of information, however there is no financial cost to the provider for requesting a prior authorization. The time cost to submit a prior authorization request is less than thirty minutes and can be done online.

In some cases, a provider may need to employ a practitioner that requires a state license in order to practice. There could be a financial cost for this practitioner to apply for a specific license which would vary as determined by the regulatory board. This would not be a cost for the provider.

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**

A provider may need to employ a practitioner that holds a specific license in order to render the service described in the rule.
 - 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**

A provider may need to submit information as part of a prior authorization request to render a service.
 - 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? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable