

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-27-08

Rule Type: Amendment

Rule Title/Tagline: Mental health therapeutic behavioral services and psychosocial rehabilitation.

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.

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

Rule 5160-27-08 entitled "Mental health therapeutic behavioral services and psychosocial rehabilitation" states activities that constitute both of these services. Limitations on the provision of both services are stated as well as service provision documentation requirements. The proposed revision permits licensed mental health

practitioners to render the therapeutic behavioral service. An additional revision clarifies the appropriate use of psychosocial rehabilitation.

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 increase expenditures.

\$8.0 Million

The increased expenditures are a result of a new ODM policy that permits licensed mental health practitioners to render, for the first time, therapeutic behavioral service.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There is no cost of compliance for persons or organizations directly affected by this rule.

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? No

- 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**