Rule Summary and Fiscal Analysis (Part A)

Ohio Department of Medicaid
Agency Name

Tommi Potter

Division   Contact

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5160-30-03   # RESCISSION
Rule Number   TYPE of rule filing

Rule Title/Tag Line   **Billable services.**

RULE SUMMARY

1. Is the rule being filed for five year review (FYR)? **Yes**

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: **5162.02, 5162.05, 5164.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5164.02, 5162.03, 5119.391**

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

   This rule is being proposed for rescission to update policy relating to the administration of the Ohio Medicaid program.

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 states the requirements for the provision of alcohol and drug treatment services addressed in Chapter 5160-30 of the Administrative Code that will be reimbursed by Ohio Medicaid.

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(A)(3).

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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:

> This rule was put into TBR status pending possible policy changes. There are no differences between the current version and the versions previously filed.

12. Five Year Review (FYR) Date: **4/14/2017**

(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.

53,400,000

This rule rescission implements a part of the Behavioral Health Redesign that is a joint project of the Ohio Department of Medicaid (ODM), Ohio Department of Mental Health and Addiction Services, and the Ohio Office of Health Transformation. The expenditure increase stated here is for the entire project and not limited to the impact of this rule. The figure stated is that above budget neutrality and reflects new services that will be reimbursed by ODM for the first time and well as reimbursement rate adjustments.

The amount stated here is for SFY 18 and is in addition to the estimated $ 1.1 billion spent on behavioral health services in SFY 16.

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

　　Not applicable.

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 rescission of this rule is not expected to create a cost of compliance to all directly affected persons.

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? **Yes**

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? **Yes**

> For the services covered by this rule the provision and billing requirements must be followed otherwise Medicaid payment may not be available.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**