

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5160-43-02

Rule Type: Amendment

Rule Title/Tagline: Specialized recovery services program individual eligibility and program enrollment.

Agency Name: Ohio Department of Medicaid

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 7/23/2021
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? 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?

The specialized recovery services program (SRSP) provides Medicaid eligibility and home and community-based services (HCBS) to adults diagnosed with a serious and persistent mental illness (SPMI) and/or diagnosed chronic conditions (DCC) who also meet the financial, clinical, needs and risk eligibility criteria specified in the 1915 (i) State Plan Amendment and in the rules set forth in Chapter 5160-43 of the Ohio Administrative Code (OAC). The rules in Chapter 5160-43 of the OAC were amended for five-year rule review and in alignment with the requested renewal of the State Plan Amendment.

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

OAC 5160-43-02, entitled "Specialized recovery services program individual eligibility and program enrollment" provides the eligibility criteria for individuals to enroll and participate in the program. Changes included addition of a web link for Qualifying Diagnosis Appendix and removal of outdated appendix. Additionally, the risk factor criteria in paragraph (A)(6) was clarified to address those with Diagnosed Chronic Conditions and retroactive requirement eligibility period in paragraph (A)(7)(b) was better defined.

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(A)(1)(d).

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?**

Not Applicable

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? No
17. 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
 - 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? Yes
 - A. How many new regulatory restrictions do you propose adding? 0
 - B. How many existing regulatory restrictions do you propose removing? 12

5160-43-02 (A)- Removing restrictive language that an individual shall meet all of the requirements in paragraph (A) to be eligible for enrollment.

5160-43-02 (A)(1)- Removing restrictive language that an individual shall be at least twenty-one years of age to be eligible for enrollment.

5160-43-02 (A)(2)-Removing restrictive language that an individual shall be determined to be eligible for Ohio Medicaid to be eligible for enrollment.

5160-43-02 (A)(3)- Removing restrictive language that an individual shall have a behavioral health diagnosis, be active on the solid organ or soft tissue waiting list, or have a diagnosed chronic condition to be eligible for enrollment.

5160-43-02 (A)(4)- Removing restrictive language that an individual shall participate in an initial assessment to be eligible for enrollment.

5160-43-02 (A)(5)- Removing restrictive language that an individual shall demonstrate needs related to the management of their condition to be eligible for enrollment.

5160-43-02 (A)(6)- Removing restrictive language that an individual shall have at least one risk factor prior to enrollment to be eligible for enrollment.

5160-43-02 (A)(7)- Removing restrictive language that an individual shall meet at least one of the needs-based criteria to be eligible for enrollment.

5160-43-02 (A)(8)- Removing restrictive language that an individual shall reside in an HCBS setting to be eligible for enrollment.

5160-43-02 (A)(9)- Removing restrictive language that an individual shall demonstrate a need for services to be eligible for enrollment.

5160-43-02 (A)(10)- Removing restrictive language that an individual shall have needs that can be safely met through the program to be eligible for enrollment.

5160-43-02 (A)(11)- Removing restrictive language that an individual shall participate in development of a person-centered service plan to be eligible for enrollment.