

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

Agency Name

Division

Tommi Potter

Contact

50 Town St 4th floor Columbus OH 43218-2709

Agency Mailing Address (Plus Zip)

614-752-3877

Phone

614-995-1301

Fax

tommi.potter@medicaid.ohio.gov

Email

5160-43-04

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Specialized recovery services program covered services and provider requirements.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **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, 5162.03**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Specialized Recovery Services Program is a new Ohio Medicaid initiative to provide services to individuals diagnosed with severe and persistent mental illness. This rule sets forth the services available to eligible individuals under the program and the requirements to be a provider of those services.
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:

Proposed new OAC rule 5160-43-04 specifies the services an individual may receive while enrolled in the program, what the services include, and the requirements for providers of those services. The three services available to individuals enrolled in the program are peer recovery support, individualized placement and support-supported employment (IPS-SE) and recovery management. Requirements for providers of these services include, but are not limited to, provider certification, maintenance of records and compliance with all rules set forth in this chapter. This rule sets forth the expectation that program providers deliver services that are supported by an identified need or recovery goal in a manner that respects the individual and that providers document the services provided.

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).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by reference to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

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:

Not Applicable.

12. Five Year Review (FYR) Date:

(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.

\$39,672,492

The following cost projections are based on cost estimate provided by Mercer, a consultant contracted for this project. The amounts represent the estimated costs to provide the three specialized recovery services to approximately 6,000 individuals who have been diagnosed with severe and persistent mental illness who are eligible for the program.

SFY 2016 Estimated Total Cost: \$4,545,750.00

Estimated Recovery Management Cost: \$4,454,750.00

SFY 2017 Estimated Total Cost: \$35,126,742.00

Estimated Recovery Management: \$18,183,000.00

Estimated Peer Recovery Support: \$9,631,710.00

Estimated IPS-SE: \$7,312,032.00

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

The rates for services set forth in this rule are appropriated in budget line item 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:

Proposed new OAC rule 5160-43-04 Requires providers of individualized placement and support-supported employment (IPS-SE) and peer recovery support to be certified by OhioMHAS in accordance with ORC Section 5119.36 and to maintain a record for each individual served in a manner that protects the confidentiality of the record. This rule requires recovery managers to have training specific to their work with this population. Recovery managers are also required to maintain a record for each individual served in a manner that protects confidentiality.

The cost of certification through OhioMHAS is based upon the budget of the agency that is applying for certification. The fee schedule showing the correlation between the agency budget and the certification cost is located in OhioMHAS OAC rule 5122-25-08. Providers already certified by OhioMHAS, requesting to add an additional service(s) pay a fee based only upon their budget for the new service(s), not their entire budget. When the agency has appropriate accreditation from The Joint Commission, CARF, or COA there is no certification fee owed to OhioMHAS.

The cost of maintaining a record of services provided to the individual can vary depending on the size of the provider agency, the amount of services provided and the method of retention. The estimated overhead cost per person served varied by agency but ranged from 15% to 20% which includes unrelated items such as supervision, record keeping, internet service, etc. Administrative costs are incorporated into the Medicaid payment rate resulting in at least partial reimbursement for these costs.

The recovery management service will be provided by ODM-contracted case management agencies and the training of the case management agency staff is a requirement within the scope of work and specifications of deliverables of the current contract. The expected cost for a social worker to complete a training can be between \$10.94 and \$32.82 per training. The expected cost for an RN to complete

the training can be between \$16.02 and \$48.84 per training.

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? **Yes**

Proposed new Administrative Code rule 5160-43-04 requires providers of individualized placement and support-supported employment (IPS-SE) and peer recovery support to be certified by OhioMHAS in accordance with Section 5119.36 of the Revised Code.

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**