

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

Agency Name

Division

**Tommi Potter**

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**5160-58-02.1**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**MyCare Ohio Plans: termination of membership.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB153**General Assembly: **129**Sponsor: **Amstutz**

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, 5166.02, 5167.02**

5. Statute(s) the rule, as filed, amplifies or implements: **5164.02, 5166.02, 5167.02**

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

To implement provisions of RC 5167.03 [renumbered from RC 5111.16], as adopted under Am. Sub. H.B. 153, 129th GA and RC 5164.91 [renumbered from 5111.981], adopted under Am. Sub. H.B. 153, 129th GA, relating to administration of the Medicaid managed care 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:

The proposed new rule establishes reasons for membership termination from a MyCare Ohio plan and the processes to be used when a member is terminated from a MyCare Ohio plan. The proposed rule describes circumstances that will be considered just cause when a member either requests a different MyCare Ohio plan or, where enrollment is not mandatory, requests disenrollment from the MyCare Ohio program. The proposed rule also includes grounds for which a MyCare Ohio plan may seek to terminate a member.

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 Ohio Administrative Code rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more dated references to the Code of Federal Regulations. This question is not applicable to any dated incorporation by reference to the Code of Federal Regulations because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 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. 119.032 Rule Review 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 have no impact on revenues or expenditures.

0.00

No impact on current budget. This rule is being proposed to support the implementation of the MyCare Ohio program. While the Ohio Department of Medicaid (ODM) does not anticipate a change in expenditures as a result of this rule, the MyCare Ohio program implementation is estimated to result in an increase in expenditures of \$110 million in SFY 2014 and a decrease in expenditures of \$39.9 million in SFY 2015. The net increase in expenditures has been reported in the rule summary and fiscal analysis submitted with proposed new rule 5160-58-03 of the Administrative Code.

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:

This rule may require a cost of compliance for a MyCare Ohio plan, as it requires a plan to notify ODM when a member is incarcerated, produce documentation to ODM when a member requests termination from a MyCare Ohio plan for good cause, and return to ODM any premium paid for retroactive termination occurring as a result of membership termination, when necessary and appropriate. However, a plan will be compensated for these costs through the administrative component of the capitation rate paid by ODM. It is not possible to provide an estimate of the costs on a particular MyCare Ohio plan, because the costs will vary based on the number of members that are terminated by that plan.

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? **No**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

This rule requires reports of information, and under certain circumstances, the return of premiums paid to a plan by ODM.