

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

Agency Name

Division

**Tommi Potter**

Contact

**50 town st 4th floor OH 00000-0000**

Agency Mailing Address (Plus Zip)

**614-752-3877**

Phone

Fax

**tommi.potter@medicaid.ohio.gov**

Email

**5160-58-08.4**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Appeals and grievances for MyCare Ohio.****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 requires a MyCare Ohio plan to have three avenues allowing a member to challenge certain actions taken by the MyCare Ohio plan: (1) a grievance process, (2) an appeal to the MyCare Ohio plan, and (3) a process allowing members to access the State's hearing system through the Ohio Department of Job and Family Services (ODJFS). The proposed rule sets forth detailed requirements for each of these three avenues, and prescribes the manner in which members must be advised of actions by the MyCare Ohio plan, so that the members receive clear and timely notice of MyCare Ohio plan actions that will affect the services they receive. It also describes the circumstances under which benefits may be continued while an appeal is pending.

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).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with RC 121.75(E).

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:

A MyCare Ohio plan may incur costs in complying with requirements regarding appeals and grievances. Specifically, a MyCare Ohio plan is required to maintain written policies and procedures governing grievances, appeals to the MyCare Ohio plan, and appeals to the ODJFS state hearing system. These policies and procedures must be described in a handbook distributed to members. A MyCare Ohio plan is required to provide clear and timely notice to a member of any action that will affect a member's services, and notice of the process through which the member can challenge the proposed action. After an appeal to a MyCare Ohio plan is resolved, the MyCare Ohio plan must provide written notice of the decision arising from the appeal. For an appeal to the ODJFS state hearing system, a MyCare Ohio plan is required to complete a written appeal summary that provides all facts and documents relevant to the case. If the member prevails at a state hearing, the MyCare Ohio plan must complete a compliance form which must be returned to the Bureau of State Hearings.

It is not possible to provide an estimate of the costs on a particular MyCare Ohio plan. The costs will vary based on the number of appeals submitted by members. Through the administrative component of the capitation rate paid to the MyCare Ohio plans by the Department of Medicaid, MyCare Ohio plans will be compensated for the cost of the time required in maintaining and submitting required reports, notices, policies and procedures.

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.