

**FEDERAL MEDICAID NOTICE AND PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID**

DATE: November 30, 2015
TIME: 11:30 a.m.
LOCATION: Room A501, Lazarus Government Center
50 West Town Street, Columbus, OH 43215

Pursuant to section 5164.02 and Chapter 119. of the Ohio Revised Code and 42 CFR 447.205, the director of the Ohio Department of Medicaid gives notice of the Department's intent to consider the amendment, rescission, or adoption of the rules identified below and to hold a public hearing on these rules.

Two rules of the Ohio Administrative Code concern mental health services provided in non-institutional settings. The provisions of these rules are being streamlined, updated, and combined into a single new rule. The two existing rules are being rescinded.

Existing rule 5160-8-05, "Psychology services provided by licensed psychologists," sets forth coverage and payment provisions for psychology services provided by licensed psychologists.

Existing rule 5160-4-29, "Services provided for the diagnosis and treatment of mental and emotional disorders," sets forth coverage and payment provisions for mental health services provided by physicians, licensed social workers, professional counselors, and professional clinical counselors.

New rule 5160-8-05, "Mental health services," sets forth coverage and payment provisions for mental health services provided in non-institutional settings.

New provider types are being created for licensed professional clinical counselors, independent social workers, and independent marriage and family therapists. These independent mental health practitioners will be able to enroll as eligible providers and to submit claims for Medicaid services.

Existing rules 5160-4-29 and 5160-8-05 recognize certain professionals capable of rendering covered mental health services, under appropriate supervision as necessary:

- Physicians
- Licensed psychologists
- Professional clinical counselors
- Professional counselors
- Clinical social workers
- Licensed social workers
- Doctoral-level psychology interns

New rule 5160-8-05 identifies not only these professionals (some of them by updated title) but also other individuals capable of rendering covered mental health services:

- Physicians, advanced practice registered nurses (APRNs), and physician assistants (PAs)
- Licensed psychologists

- Licensed professional clinical counselors, independent social workers, and independent marriage and family therapists (collectively termed "mental health practitioners")
- Licensed professional counselors, social workers, and marriage and family therapists (collectively termed "mental health specialists")
- Registered counselor trainees, registered social work trainees, and marriage and family therapist trainees (collectively termed "mental health specialist trainees")

The new rule recognizes independent mental health practitioners as eligible Medicaid providers with their own provider types; they will be able to submit claims and receive payment for Medicaid services they provide. An existing provision that in effect compels licensed psychologists to enroll in Medicaid as eligible providers, even if their services are rendered under the supervision of an eligible provider, is extended to mental health practitioners.

An existing provision that requires licensed psychologists in independent practice to participate in Medicare if they can do so (or, if the practice is limited to pediatric treatment, to meet all requirements for Medicare participation other than serving Medicare beneficiaries) is extended to mental health practitioners in independent practice.

The list of covered services is expanded to include assessment and behavior change intervention and psychotherapy for crisis.

Specific provisions concerning supervision are replaced by a statement that every mental health service reported on a claim must be performed in accordance with any supervision requirements established in law, regulation, statute, or rule.

The payment structure for some mental health services is being modified. The maximum payment amount for psychological or neuropsychological testing is 100% of the amount specified in the published payment schedule (Appendix DD to rule 5160-1-60 of the Administrative Code), regardless of provider. For a mental health service (other than testing) rendered by a physician, APRN, PA, or licensed psychologist, the maximum payment amount is 100% of the payment schedule amount; for a mental health service (other than testing) rendered by a mental health practitioner or a mental health specialist, it is 85%. Payment made to licensed psychologists is thus increasing from 85% to 100% of the payment schedule amount, and payment made to mental health specialists is increasing from 50% to 85%.

It is estimated that the changes to these rules will increase annual aggregate Medicaid expenditures by approximately \$205,125.

The public hearing will be held at the date, time, and location listed at the top of this notice. Both written and oral testimony will be accepted at the public hearing, and written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Any person affected by these rules may examine them and obtain a copy, without charge, at the following locations:

- Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215;
- Any county department of job and family services; or
- On the internet at <http://www.registerofohio.state.oh.us/>.

Testimony on the proposed rules may also be reviewed at the Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, Ohio 43215.

Requests for a copy of the proposed rules or a copy of testimony on the rules should be submitted in any of the following ways:

By mail to the Rule Administrator, Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 West Town Street, Suite 400, Columbus, OH 43215;

By fax to (614) 752-3986; or

By e-mail to rules@medicaid.ohio.gov.