

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF MEDICAID

DATE: August 31, 2020

TIME: 11:00 a.m.

Teleconference Phone Number: 614-721-2972

Teleconference Pin: 580183077#

Pursuant to Chapter 119. and section 5164.02 of the Revised Code, the Director of the Ohio Department of Medicaid (ODM) gives notice of ODM's intent to consider the adoption and rescission of the rules identified below and of a public hearing thereon.

Proposed for rescission: Rule 5160-1-71, "Patient centered medical homes (PCMH): Eligible providers," is being proposed for rescission because its content will be replaced with new proposed rule 5160-19-01 under the same title. This rule:

- Provides requirements for group practices who participate as a partnership and informs the CPC practice that it may utilize reconsideration rights to challenge a decision of ODM concerning CPC enrollment or eligibility.
- Provides definitional information, identifies eligible entities and requirements for enrollment as a CPC practice, and describes the activity, efficiency, and quality measures including the performance thresholds that must be met.
- Requires that each participating CPC practice, upon enrollment and on an annual basis, attest that it will meet the activity requirements set forth in the rule.
- Requires the CPC practice to pass a number of efficiency and clinical quality requirements on an annual basis to continue participation under this rule.
- Allows practices who participated in initial program year 2017 to continue participation as a CPC practice.
- Defines the CPC for Kids program and sets forth the additional requirements participating CPC practices must meet in order to enroll under the CPC for Kids program.
- Identifies, for CPC practices who choose to participate in the optional CPC for Kids program, additional requirements to be eligible for additional payments and bonuses under the CPC for Kids program.
- Provides clinical quality requirements specific to the CPC for Kids program and the threshold of metrics that must be passed annually to continue participation in the CPC for Kids program.

Proposed for adoption: Rule 5160-19-01, "Patient centered medical homes (PCMH): eligible providers," is a new rule that will contain the content from existing OAC rule 5160-1-71 of the same title that is being proposed for rescission in this package. This new proposed rule contains the same content from rule 5160-1-71 that is being proposed for rescission with the following exceptions:

- This new proposed rule modifies language to remove regulatory restrictions and comply with Section 121.95 of the Ohio Revised Code.
- This new proposed rule no longer allows practices to enroll as a PCMH if they participated in the PCMH 2017 program year but do not meet the minimum attributed member threshold identified in the rule. Since the program is no longer new and for purposes of program integrity, this provision for early adopters is no longer needed.
- This new proposed rule modifies the “community service and supports integration” activity to remove the provision that the PCMH practice use screening tools to identify patients in need of community services and supports. The participating practice should continue to identify patients in need but screening tools are not specifically necessary to complete this activity.
- This new proposed rule modifies the “behavioral health integration” activity to include the provision that the PCMH practice should use screening tools to identify patients in need of behavioral health services. In the proposed rule to be rescinded, there is no provision that screening tools be used.
- For the 2020 calendar year, this new proposed rule removes the provision that PCMH practices must pass a number of efficiency and clinical quality measures to qualify for shared savings payments under the PCMH and PCMH for Kids programs. Due to challenges presented by COVID-19 and the state of emergency declared in response, it is unlikely that PCMH practices would be able to meet these thresholds therefore these requirements are being suspended and shared savings payments will not be available for the 2020 calendar year.

Proposed for rescission: Rule 5160-1-72, “Patient Centered Medical Homes (PCMH): Payments,” is being proposed for rescission as the content of 5160-1-72 is being moved to the new proposed rule 5160-19-02 under the same title. This rule provides eligibility criteria to qualify for CPC program payments, including per-member per-month payments (PMPMs), shared savings payments and bonus payments. This rule:

- Outlines the payment structure and defines payment types specific to the CPC and CPC for Kids programs,
- Describes payments, how they will be calculated and when payment to the participating CPC practice occurs.
- Identifies specific activities that CPC and CPC for Kids program participants must meet to qualify for bonus payments.
- Sets forth the eligibility requirements to receive a CPC shared savings payment. The CPC practice must meet all requirements found in rule 5160-1-71 of the Administrative Code that is being rescinded and replaced with 5160-19-01. Details regarding payment calculations are included in the rule.
- Outlines the eligibility requirements for the CPC for Kids program and states that a CPC practice must be enrolled and meet all requirements set forth in rule 5160-1-71 of the Administrative Code. If those requirements are not met, a warning will be issued and after two consecutive warnings, CPC for Kids practices may no longer receive payment under this rule.
- Explains that CPC for Kids practices are eligible under this rule to qualify for a bonus payment, to be assessed annually, based on their performance on pediatric bonus

activities, including supports for children in foster care, behavioral health care linkages, school based health care linkages, transitions of care for children aging out of pediatric care, and select wellness activities. CPC for Kids practices will be scored for performance in wellness activities and top scorers will receive a retrospective bonus payment.

Proposed for adoption: Rule 5160-19-02, “Patient Centered Medical Homes (PCMH): payments,” is a new rule which will replace existing OAC rule 5160-1-72 of the same title that is being proposed for rescission in this package. As Ohio Medicaid continues to streamline operations, ODM determined that rules related to alternative payment models should be included in a separate chapter under agency 5160 of the Administrative Code. This new proposed rule contains the same content from rule 5160-1-72 that is being proposed for rescission with the following exceptions:

- This new proposed rule modifies language to remove regulatory restrictions and comply with Section 121.95 of the Revised Code.
- For the 2020 calendar year, this new proposed rule modifies the definitions of “PCMH shared saving payment” and “PCMH for kids bonus payment” to indicate that PCMH practices are not eligible to earn these payments because they are not subject to meeting the required quality and efficiency metrics. Due to challenges presented by COVID-19 and the state of emergency declared in response, it is unlikely that PCMH practices would be able to meet these thresholds therefore they are being suspended and the shared savings payment will not be available for the 2020 calendar year.
- For the 2020 calendar year, this new proposed rule removes the potential for disenrollment associated with not meeting the efficiency and clinical quality measures under the PCMH and PCMH for Kids programs.

Proposed for adoption: Rule 5160-1-71, “Relocated provisions concerning patient centered medical homes (PCMH) and eligible providers,” is being proposed to act as a placeholder that simply cites to rule 5160-19-01 to notify interested parties of the new location for rules concerning the Comprehensive Primary Care (CPC) program. This new rule cites to Chapter 5160-19 as the new location for rules concerning the CPC program.

Proposed for adoption: Rule 5160-1-72, “Relocated provisions concerning patient centered medical homes (PCMH) and payments,” is being proposed to act as a placeholder that simply cites to rule 5160-19-02 to notify interested parties of the new location for rules concerning the Comprehensive Primary Care (CPC) program. This new rule cites to Chapter 5160-19 as the new location for rules concerning the CPC program.

Pursuant to Section twelve of Am. Sub. H. B. No. 197 ODM will hold the public hearing for this rule package via teleconference. The phone number and pin and the date and time for this hearing are listed at the top of this Notice. All interested parties are invited to participate in the public hearing. Oral and written testimony will be accepted for this hearing and will be given the same consideration. Those who want to give oral testimony are asked to send an email to Rules@Medicaid.Ohio.gov no later than one hour before the hearing to be added to the witness

list. There will be a final call at the end of the hearing for those who wish to offer oral testimony but are not yet on the witness list.

Written comments submitted via fax, United States Postal Service, and email that are received or postmarked no later than the day of the hearing will be accepted as testimony and become part of the hearing record. All testimony will become public record; therefore, the Ohio Department of Medicaid asks that protected health information only be included if the information belongs to the person submitting the testimony or a person for which the submitter is a legal guardian. Written testimony sent via email is highly recommended, all testimony received via email will receive a confirmation of receipt.

Copies of the proposed rules are available, without charge, to any person at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Medicaid, Office of Legal Counsel, 50 W. Town Street, Suite 400, Columbus, Ohio 43215-3414, by fax at (614) 995-1301, or by e-mail at Rules@Medicaid.Ohio.gov.