

Hearing Date: 9/10/2018

Today's Date: 9/12/2018

Agency: The Ohio Department of Medicaid

Rule Number(s): 5160-1-17.8 Provider Screening and Application Fee

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Kelly O'Reilly- Governmental Affairs, Governmental Policy Group
2. Amanda Sines- Government Advantage Group
3. Colleen Dempsey- National Association of Social Workers – Ohio Chapter
4. Brook Smith
5. Catherine Hill
6. Cherly Walter, OACBHA
7. Christina Shynak Diaz
8. David Logan- Governmental Policy Group
9. David Nalls
10. Elizabeth Hardwood- Child Guidance and Family Solutions
11. Elizabeth Osborne- Coleman Behavioral Health
12. Jennifer Hayhurst, OSMA from MAC
13. Juliet Dorris Williams- The Peer Center
14. Karen Sauers- Highland County Job and Family Services
15. Kathi Spirk- Clinton County Job and Family Services, Child Protection Unit
16. Kathleen Nichols- Coleman Behavioral Health

Hearing Report and Summary

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1. Kenneth Dampier- Portage County- Coleman Professional Services
2. Lisa Ashafa- Coleman Professional services
3. Lois Hochsteler- Marion Area Counseling Center
4. Lori Strobl- TCN Behavioral Health Services Inc.
5. Lynn Oliver- Mental Health and recovery Board
6. Melanie Woods- Coleman Professional Services
7. Michael Ranney- Ohio Psychological Association
8. Nicole Michael- Johnson House
9. Pam Johnson- Pike County Recovery Council
10. Patricia Harrelson- Richland County Children Services
11. Roger Cheesbro- Family Recovery Services
12. Sara Whitted- Coleman Professional Services
13. Susan Walther- Warren County Children Services
14. Taneshia Slater- Primary case Solutions of Ohio Inc.
15. Richard Tvaroch-Trumbull County Children Services
16. Teresa Lampl- The Ohio Council

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1. Lisa Ashafa- Coleman Professional
2. Heather Ruble- Coleman Professional
3. Abby Vorhees- Coleman Professional
4. Tammy Gould- Coleman Professional
5. Joel Trotter- Primary Care Solutions
6. Dana Pritchett- Muskingum Behavioral Health
7. Steve Carrel- Muskingum Behavioral Health
8. Pam Johnson- The recovery Council
9. Thomas Steven- Lorain County Alcohol and Drug Addiction Services
10. Mary Wachtel- Public Children Services Association of Ohio
11. Megan O'Dell- Ohio Poverty Law Center
12. Sara Hollar- Coleman Professional Services
13. David Logan- Prospect House
14. Liz Henrich- OACBHA
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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

The Ohio Department of Medicaid received 46 written comments and oral testimony for rule 5160-17.8 Provider Screening and Application Fee. Individuals, agencies, and a council representing providers stated the changes included in the rule that require additional criminal records checks for Medicaid providers, unnecessarily restricts behavioral health professionals from participating in the Ohio Medicaid program., Witnesses and testimony alleged the collateral sanctions that will create job losses, reduce the behavioral health workforce, decrease access to services , and negatively providers' capacity to serve individuals with substance abuse disorders.

Many provider agencies expressed that this rule will negatively affect valuable employees. Witnesses suggested that these employees have years of positive employment history and have made significant progress since their criminal offense(s). These employees have made positive changes in their personal lives through recovery and have aided in the recovery process for their clients.

Testimony included a resounding suggested change that ODM revise the rule to create an exemption for state licensed or certified practitioners with criminal offense(s) (not exceeding mandatory federal exclusions). The suggested change would allow exempted practitioners to enroll as a Medicaid provider, consistent with the recommendation by the Governor's Common-Sense Initiative (CSI) office.

Hearing Report and Summary

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

Considering providers' and other stakeholders' comments made during the public hearing, ODM has decided to revise the proposed rule. As some stakeholders requested, creating an exemption to the rule's requirements for those providers with a criminal offense that hold some type of licensure or certification is not possible, as this exceeds the requirements stated in ORC 5164.34. However, ODM has added language that would allow a provider who does not yet meet one of the requirements stated in paragraphs (F) (1) through (F)(5) extra time during which a response to a request for a pardon or certificate for employment may be secured. During this time period the provider may participate in the Medicaid program assuming all other provider application requirements have been met. This revision is being made as some stakeholders mentioned that some courts were unfamiliar with the process involved in securing a pardon or certification for employment while others described lengthy time periods required for court processing of such a request. This rule revision permits ODM to meet ORC requirements and Ohio Medicaid policies that support patient safety while being sensitive to the time it might take for a provider to receive a response to a request for pardon or certification for employment.

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