

**MEMORANDUM**

**TO:** James Tassie, Chief Legal Counsel, Ohio Department of Medicaid

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** December 12, 2014

**RE:** **CSI Review – Behavioral Health Paraprofessional (BHPP) General Hospital Rules** (OAC 5160-2-01 and 5160-2-04)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

The Ohio Department of Medicaid (ODM) submitted to the CSI Office two amended draft rules that set forth criteria for which hospitals can be enrolled in the Ohio Medicaid program; and addresses coverage of certain hospital provided treatments, supplies and transportation of patients. This rule package was filed with the CSI Office as part of a five-year review as required by Ohio statute on October 24, 2014. The comment period for the rules closed on October 31, 2014 and no comments were received.

Rule 5160-2-01 Eligible Providers, describes hospitals that are eligible and not eligible to participate in the Ohio Medicaid program. Hospitals that meet the requirements of Medicare are eligible to participate in Medicaid if a few other conditions are met such as an executed provider agreement and a hospital utilization review plan. Tuberculosis facilities and hospitals with fifty percent or more beds dedicated to alcohol and/or drug abuse with no licensed psychiatric beds are excluded from eligibility to participate in the Medicaid program. The proposed rule also

prescribes multiple other combination scenarios in which hospitals are eligible for the Medicaid provision for inpatient psychiatric services.

Rule 5160-2-04 Coverage of Hospital-provided Pharmaceutical, Dental, Vision Care, Medical Supply and Equipment, and Medically-related Transportation Services categorizes these types of services as inpatient or outpatient services for billing and reimbursement purposes.

According to the BIA, ODM worked with representatives of the Ohio Hospital Association (OHA) in the development and review of the proposed rules. Amendments to the rules were primarily made to update agency references and terminology for transportation.

After reviewing the proposed rules and the associated BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

#### **Recommendation**

For the reasons explained above, this office does not have any recommendations regarding this rule package.

#### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office