

**MEMORANDUM**

TO: Tommi Potter, Ohio Department of Medicaid

FROM: Sydney King, Regulatory Policy Advocate

DATE: August 12, 2016

RE: **CSI Review – Mental Health Services (OAC 5160-8-05)**

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

This rule package consists of one amended rule being proposed by the Ohio Department of Medicaid (ODM). The rule package was reviewed by ODM pursuant to the statutory five-year review requirement. The rule package was submitted to the CSI Office on July 20, 2016.

The rule package establishes the requirements for the coverage and payment provisions for mental health services. The amendments to the rule package expand the list of licensed professionals that may provide mental health services to include chemical dependency professionals.

In October 2015, the CSI Office reviewed this rule and received comments suggesting expanding the list of professionals that will receive reimbursement for mental health services to include chemical dependency professionals. At the time, ODM communicated to the CSI Office that it intends to further expand the list of professionals that may receive reimbursement for mental health services in July 2016. ODM agreed that chemical dependency professionals can provide the mental health services but due to updates to the Medicaid software that would be necessary, it

could not include the chemical dependency professionals at that time. The Governor signed an executive order on June 21, 2016 for an emergency rule that implements the immediate adoption of the rule. However, the rule is only valid for 120 days and it is therefore necessary for the rule to move forward through the “normal rule-making procedures.”

In the BIA, ODM identifies mental health professionals as the impacted business community. The costs associated with the impacts include the documentation of the medical services, holding a Medicaid provider agreement, and potential limits on the type of services that may be reimbursed. ODM states that the regulations perform several core business functions by establishing who can provide services, publishing the reimbursement rates, and requiring documentation of medical services.

After reviewing the proposed rule and the BIA, and given that the proposed amendments are a direct response to requests from the affected stakeholders, the CSI Office has determined that the rule package 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 Ohio Department of Medicaid should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.