

**MEMORANDUM**

**TO:** Tommi Potter, Ohio Department of Medicaid

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** October 17, 2016

**RE:** **CSI Review – Behavioral Health Services and Medications (OAC 5160-30-02)**

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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**

This rule package was originally filed as two amended rules being proposed by the Ohio Department of Medicaid (ODM). During the CSI review, ODM amended the language which resulted in Rule 5160-27-02 being removed from the CSI process. The rule package was submitted to the CSI Office on September 20, 2016 and the public comment period was held open through September 27, 2016. A revised BIA was submitted on October 17, 2016.

Rule 5160-30-02 regulates coverage and limitation policies for alcohol and other drug treatment services. The rule is being amended to add new medications and services that can be provided by opiate treatment programs and therefore reimbursed by Medicaid.

ODM identifies opiate treatment providers as the impacted business community. According to the revised BIA, there are twelve opiate treatment providers participating in the Ohio Medicaid program. ODM conducted a stakeholder outreach that included representatives of the impacted industry and medical professionals. The BIA provides a comprehensive list of the stakeholders. The BIA states the input received from the stakeholders influenced the draft language. Because

the rule is filed as amended and not as a five-year rule review, ODM was only required to review the amended language. The amended language refers to a list of medications that are allowed for reimbursement by Medicaid and would have a minimal impact on providers. No comments were received during the CSI public comment period to indicate that the amended language is problematic to providers.

### **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.