

**MEMORANDUM**

TO: Bryan Stout, Ohio Department of Medicaid

FROM: Sydney King, Regulatory Policy Advocate

DATE: July 15, 2016

RE: **CSI Review – ODA-Operated HCBS Waiver Eligibility: HCBS Settings and Person-Centered Planning (OAC 5160-31-03)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C.) 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) and is reviewed in compliance with the statutory five-year rule review requirement. The rule package was submitted to the CSI Office on June 15, 2016 and the public comment period was held open through June 20, 2016.

Rule 5160-31-03 establishes the provider requirements for enrollment in the PASSPORT waiver program. The program allows individuals who reside in a setting that possesses home and community-based characteristics to receive waiver services. The program is administered by the Ohio Department of Aging and the services include personal care, independent living support, and assistance with medical care. The rule requires physicians to approve waiver services prior to enrollment in the PASSPORT waiver. The approval may be verbal but the physician must submit written approval within thirty days of enrollment. In the BIA, ODM details the impacts to physicians and providers of services that require pre-approval. ODM estimates the costs to include the administrative time needed to submit the physician approval for the service.

The BIA describes the early stakeholder outreach that included members of the impacted industry. A variety of stakeholders – including provider associations and managed care organizations, the Council on Aging, Disability Rights Ohio, the Ohio Association of Senior Centers, the Ohio Council for Home Care and Hospice, and the Ohio Council of Behavioral Health & Family Services Providers – met monthly from June to December in 2015 to review the language. ODM noted that the rule was amended in response to early stakeholder feedback. No comments were received during the CSI public comment period.

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.