

**MEMORANDUM**

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

**FROM:** Travis Butchello, Regulatory Policy Advocate

**DATE:** February 20, 2018

**RE:** **CSI Review – Specialized Recovery Services Program (OAC 5160-43-04)**

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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**

This rule package consists of one amended rule proposed by the Ohio Department of Medicaid (ODM). The rule package was submitted to the CSI Office on December 14, 2017 and the public comment period was held open through December 24, 2017. No comments were received during this time.

The rule establishes the specialized recovery services program, which provides Medicaid eligibility and home and community-based services to adults with a diagnosis of serious mental illness and chronic conditions who also meet certain financial and clinical criteria. ODM states in the BIA that they wish to amend the rule to include additional details for recovery managers regarding billing Medicaid for recovery management services under the program.

As part of the early stakeholder outreach process, ODM sent a copy of the draft rule to numerous statewide healthcare and aging associations including Ohio Healthcare Association, Leading Age Ohio, and the Ohio Hospital Association. In response, ODM did not receive any proposed changes or request for clarification of the rule.

No comments were received during the CSI public comment period.

The rule impacts ODM-contracted recovery manager providers. Specifically, the rules will require providers to be certified by the Ohio Department of Mental Health and Addiction Services (OMHAS) pursuant to ORC 5119.36. In addition, they must maintain a record for each individual served while maintaining the highest levels of patient confidentiality. The BIA explains that the cost of the aforementioned requirements will vary. First, ODM expects certification through OMHAS varies per agency and is based on a fee schedule established in the ORC. Second, record retention requirements for individuals served also varies but is expected to be 15% of overall administrative overhead. For example, one agency provider estimated their cost of compliance to be \$4,481 annually. Lastly, training requirements to obtain licensure by recovery managers will also vary but will likely take 30 to 90 minutes and cost, on average, between \$21.88/hour for a social worker and \$32.04/hour for a registered nurse who participate in the training. ODM emphasizes that any adverse impact imposed by the rule is outweighed by the regulatory intent because compliance with this rule is required by the federal Medicaid program and will ensure the health and safety of patients in addition to program integrity.

### **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.