



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

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

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** October 30, 2020

**RE:** **CSI Review – Eligible Provider for Behavioral Health Services (OAC 5160-27-01)**

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On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on September 16, 2020, and the public comment period was held open through September 23, 2020. A revised BIA was submitted to the CSI Office on October 29, 2020 to clarify the adverse impact of the rule. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on September 16, 2020.

Ohio Administrative Code 5160-27-01 establishes the requirements for eligible behavioral health providers, including the listed providers eligible to provide services. The rule is being amended to include pharmacists, as employees or contractors of certain entities, as eligible providers under Medicaid. Requirements to maintain a Medicaid provider agreement were removed to eliminate duplication among rules.

During early stakeholder outreach, ODM notified industry stakeholders and requested feedback on the rule. The Ohio Pharmacists Association submitted comments that supported the proposed

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changes and stated that information it has received from pharmacists practicing in a behavioral health setting has been positive. No comments were received during the CSI public comment period.

The business community impacted by the rule includes behavioral health providers practicing in Ohio. The adverse impacts include the requirement to obtain prior authorization to engage in a line of business and the cost to comply with the requirements of the rule, including providing behavioral health services within the scope of another licensed entity. ODM notes in the BIA that the duplicative licensing requirements previously found in the rule were removed through amendment, which removes adverse impacts from the rule. ODM states that the rule is necessary to allow the safe provision of behavioral health services through the authorized types of providers.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Ohio Department of Medicaid should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.