



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: November 18, 2020

RE: **CSI Review – Revalidation of Provider Agreements (OAC 5160-1-17.4)**

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) as part of the five-year review requirement. This rule package was submitted to the CSI Office on October 13, 2020, and the public comment period was held open through October 20, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 13, 2020.

Ohio Administrative Code 5160-1-17.4 establishes requirements for the revalidation of provider agreements. Provider agreements must be renewed every five years and the rule includes procedures for ODM sending revalidation notifications, providers submitting required information, and issues that may arise surrounding revalidation. The rule is being amended to include provisions that recognize the Centers for Medicaid and Medicare Services waiving or modifying the revalidation deadline. The rule also is amended to allow ODM notification to be sent to the provider's email address. These changes have been made to introduce flexibility into the revalidation process in response to the demands of the COVID-19 pandemic.

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During early stakeholder outreach, ODM sent the rule to relevant industry stakeholders for feedback. ODM received one comment that suggested revalidation notice be sent to both email and mailing addresses. ODM did not make changes based on the comment and stated that the Department is transitioning to electronic notification systems to reduce costs. No comments were received during the CSI public comment period.

The business community impacted by this rule includes all individuals and businesses with provider agreements through ODM. The adverse impacts created by the rule are primarily the cost of revalidating a provider agreement and the time and effort spent to submit the necessary information. Institutional and group providers are required to pay a \$595 application fee and individual providers are not charged a fee. ODM states in the BIA that any burden created by the rule is necessary to prioritize the safety of individuals receiving services through Medicaid and to maintain compliance with federal requirements for the program.

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.