



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 – Medicaid Managed Care Program (OAC 5160-26-02)**

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 no change rule proposed by the Ohio Department of Medicaid (ODM). This rule package was submitted to the CSI Office on October 8, 2020, and the public comment period was held open through October 15, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 8, 2020.

Ohio Administrative Code 5160-26-02 establishes requirements for eligibility and enrollment in the Medicaid Managed Health Care program. The rule establishes eligibility requirements for various individuals and the terms for enrollment into a managed care program. The rule is being amended to update the term "managed care plan" to "managed care organization (MCO)," expand the list of individuals who are ineligible for MCO enrollment, and remove requirements for reporting the birth of an infant whose mother is enrolled in an MCO.

During early stakeholder outreach, ODM sent the rule to the MCOs currently operating in Ohio for feedback. No stakeholder comments were received during that time or during the CSI public

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comment period.

The business community impacted by the rule includes six MCOs currently operating in Ohio. The adverse impact created by the rule is primarily the cost to MCOs to report certain information related to eligibility and enrollment of individuals. Proposed amendments remove a reporting requirement related to infants that is unnecessarily duplicative. ODM states in the BIA that the rule is necessary to ensure compliance with federal regulations regarding the Managed Health Care 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.